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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1172/98**of 25 May 1998****on statistical returns in respect of the carriage of goods by road**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the draft Regulation submitted by the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

(1) Whereas, in order to carry out the tasks entrusted to it in the context of the common transport policy, the Commission must have at its disposal comparable, reliable, synchronised, regular and comprehensive statistical data on the scale and development of the carriage of goods by road by means of vehicles registered in the Community, and on the degree of utilisation of vehicles carrying out this transport;

(2) Whereas Council Directive 78/546/EEC of 12 June 1978 on statistical returns in respect of carriage of goods by road, as part of regional statistics ⁽⁴⁾ makes no provision for returns on types of transport which were not authorised at the time when this Directive was adopted; whereas the returns for which provision is made supply different information for national and international transport and whereas it provides no information on the degree of utilisation of vehicles carrying out this transport;

(3) Whereas it is necessary to compile comprehensive regional statistics with regard to both the carriage of goods and vehicle journeys;

(4) Whereas it is therefore appropriate to amend the system laid down by Directive 78/546/EEC in order to ensure the description of the regional origin and destination of intra-Community transport on the same bases as national transport, and to provide a link between the carriage of goods and vehicle journeys by measuring the degree of utilisation of vehicles carrying out this transport;

(5) Whereas, in accordance with the principle of subsidiarity, the creation of common statistical standards allowing the production of harmonised information can be tackled efficiently only at Community level, while data will be collected in each Member State under the authority of the bodies and institutions in charge of compiling official statistics;

(6) Whereas Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽⁵⁾ provides a reference framework for the provisions laid down by this Regulation, in particular those concerning access to the sources of administrative data, the cost-effectiveness of available resources and statistical confidentiality;

(7) Whereas communication of individual data, once rendered anonymous, is necessary in order to estimate the overall accuracy of the results;

(8) Whereas it is important to ensure that statistical information is adequately disseminated;

(9) Whereas, during the start-up period, the Community will need to provide the Member States with a financial contribution for the execution of the necessary work;

(10) Whereas it is appropriate to provide for a simplified procedure for implementing this Regulation and adapting it to economic and technical progress;

⁽¹⁾ OJ C 341, 11. 11. 1997, p. 9.

⁽²⁾ OJ C 104, 6. 4. 1998.

⁽³⁾ OJ C 95, 30. 3. 1998, p. 33.

⁽⁴⁾ OJ L 168, 26. 6. 1978, p. 29. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 52, 22. 2. 1997, p. 1.

- (11) Whereas the Statistical Programme Committee established by Decision 89/382/EEC, Euratom ⁽¹⁾ has been consulted in accordance with Article 3 thereof; whereas it has stated that it is in favour of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Subject and scope

1. Each Member State shall compile Community statistics on the carriage of goods by road by means of goods road transport vehicles which are registered in that Member State, and on the journeys made by such vehicles.
2. This Regulation shall not apply to the carriage of goods by road by means of:
 - (a) goods road transport vehicles whose authorised weight or dimensions exceed the limits normally permitted in the Member States concerned;
 - (b) agricultural vehicles, military vehicles and vehicles belonging to central or local public administrations, with the exception of goods road transport vehicles belonging to public undertakings, and in particular railway undertakings.

Each Member State may exclude from the scope of this Regulation goods road transport vehicles whose load capacity or maximum permissible laden weight is lower than a certain limit. This limit may not exceed a load capacity of 3,5 tonnes or maximum permissible weight of 6 tonnes in the case of single motor vehicles.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

- ‘goods road transport vehicle’: any single road transport vehicle (lorry), or combination of road vehicles, namely road train (lorry with trailer) or articulated vehicle (road tractor with semi-trailer), designed to carry goods,
- ‘lorry’: a rigid road vehicle designed exclusively or primarily to carry goods,
- ‘road tractor’: a road transport vehicle designed exclusively or primarily to haul other road vehicles which are not power-driven (mainly semi-trailers),
- ‘trailer’: a road vehicle for transporting goods designed to be hauled by a road transport vehicle,
- ‘semi-trailer’: a road vehicle for transporting goods with no front axle so designed that part of the vehicle and a substantial part of its loaded weight rest on the road tractor,
- ‘articulated vehicle’: a road tractor coupled to a semi-trailer,
- ‘road train’: a goods road transport vehicle coupled to a trailer.
This category also includes an articulated vehicle with a further trailer attached,
- ‘registered’: the state of having been entered in a register of road transport vehicles, kept by an official body in a Member State, whether or not the registration is accompanied by the issue of a registration plate.
In the case of carriage by means of a combination of road transport vehicles, namely road train (lorry with trailer) or articulated vehicle (road tractor with semi-trailer), in which the goods road vehicle (lorry or road tractor) and the trailer or semi-trailer are registered in different countries, the complete vehicle shall be deemed to be registered in the country where the goods road vehicle is registered,
- ‘load capacity’: maximum weight of goods declared permissible by the competent authority of the country of registration of the vehicle.
When the goods road transport vehicle is a train made up of a lorry with trailer, the load capacity of the train is the sum of the load capacities of the lorry and the trailer,
- ‘maximum permissible weight’: total weight of the vehicle (or vehicle combination) when stationary and ready for the road and of the weight of the load declared permissible by the competent authority of the country of registration of the vehicle,
- ‘Eurostat’: the Commission department responsible for carrying out the tasks incumbent on that institution in the field of production of Community statistics.

⁽¹⁾ OJ L 181, 28. 6. 1989, p. 47.

*Article 3***Data collection**

1. Member States shall compile statistical data relating to the following areas:
 - (a) vehicle-related data;
 - (b) journey-related data;
 - (c) goods-related data.
2. The statistical variables in each area, their definition and the levels within the classification used for their breakdown are provided for in the Annexes.
3. When determining the method to be used for compiling statistical data, Member States shall refrain from carrying out any formalities at frontiers between Member States.
4. The data collection characteristics and the contents of the Annexes shall be adopted in accordance with the procedure laid down in Article 10.

*Article 4***Precision of results**

Methods for the collection and processing of data shall be developed to ensure that the statistical results transmitted by the Member States meet minimum standards of precision, taking account of the structural characteristics of road transport in the Member States. These standards shall be laid down in accordance with the procedure specified in Article 10.

*Article 5***Transmission of results to Eurostat**

1. Member States shall transmit to Eurostat every quarter duly verified individual data corresponding to the variables referred to in Article 3 and listed in Annex A, without indicating the name, address or registration number.

Such transmission shall, where appropriate, include data relating to previous quarters for which the data transmitted were provisional.

2. The arrangements for transmitting the data referred to in paragraph 1, including, if any, the statistical tables based on those data, shall be laid down in accordance with the procedure specified in Article 10.

3. The transmission shall take place within five months of the end of each quarterly period of observation.

The first transmission shall cover the first quarter of 1999.

4. During a transitional period from 1 January 1999 until a date laid down in accordance with paragraph 5, a Member State may use simplified coding for the variables listed in Annex A, part A2, sections 3, 4, 8 and 9, and in part A3, sections 5 and 6.

Such simplified coding shall consist of:

- for national transport: coding in accordance with Annex G,
- for international transport: a code for each country.

5. The date of expiry of the transitional period provided for in paragraph 4 shall be fixed, in accordance with the procedure laid down in Article 10, as soon as the technical conditions exist to enable an effective system of regional coding to be used for both national and international transport in accordance with Annex G, sections 1 and 2.

*Article 6***Dissemination of results**

The provisions on the dissemination of the statistical results in respect of the carriage of goods by road, including the structure and content of the results to be disseminated, shall be laid down in accordance with the procedure specified in Article 10.

*Article 7***Reports**

1. Member States shall forward to Eurostat, on or before the date on which the first quarterly information is forwarded, a report on the methods used in compiling data.

Member States shall also forward to Eurostat details of any substantial changes in the methods used to collect the data.

2. Member States shall provide Eurostat with information each year on sample sizes, non-response rates and, in the form of standard error or confidence intervals, the reliability of the main results.

3. After data have been collected over three years, the Commission shall send a report to the European Parliament and to the Council on experience acquired in the work carried out pursuant to this Regulation.

*Article 8***Financial contribution**

1. During the first three years of implementation of the statistical returns provided for by this Regulation, the Member States shall receive a contribution in the form of financial assistance from the Community towards the expenditure incurred in carrying out the work involved.
2. The amount of the appropriations allocated to this measure each year shall be fixed as part of the annual budgetary procedure.
3. The budgetary authority shall determine the appropriations available for each year.
4. In the report provided for in Article 7(3), the Commission shall enumerate the use of Community funds allocated to this measure.

On the basis of the report provided for in Article 7(3), the Commission shall assess whether other financial contributions are necessary for an additional period of three years.

*Article 9***Implementing procedures**

The procedures for implementing this Regulation, including measures for its adaptation to economic and technical progress shall be laid down, insofar as this does not involve a disproportionate increase in cost for the Member States and/or the burden on the respondents, in accordance with the procedure specified in Article 10. Such procedures shall concern in particular:

- adaptation of the data collection characteristics and of the contents of the Annexes,
- precision requirements,
- the arrangements for transmitting the data to Eurostat, including, if any, the statistical tables based on those data,
- dissemination of the results,
- setting of the expiry date of the transitional period provided for in Article 5(5) for transmission of the variables listed in Article 5(4).

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

Done at Brussels, 25 May 1998.

*Article 10***Procedure**

The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as the 'Committee'.

The Commission representative 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 Chairman may lay down according to the urgency of the matter in question. 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 called upon 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 measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be forthwith communicated by the Commission to the Council. In that case:

- the Commission shall defer application of the measures upon which it has decided for a period of three months from the date of communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

*Article 11***Directive 78/546/EEC**

1. Member States shall provide results for the years 1997 and 1998 in accordance with Directive 78/546/EEC.
2. Directive 78/546/EEC is hereby repealed with effect from 1 January 1999.

*Article 12***Entry into force**

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

For the Council

The President

J. CUNNINGHAM

ANNEXES

Annex A	LIST OF VARIABLES
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Annex C	CLASSIFICATION OF TYPES OF JOURNEY
Annex D	CLASSIFICATION OF GOODS
Annex E	CLASSIFICATION OF CATEGORIES OF DANGEROUS GOODS
Annex F	CLASSIFICATION OF CARGO TYPES
Annex G	CODING OF PLACES OF LOADING AND UNLOADING

ANNEX A

LIST OF VARIABLES

The information to be provided for each vehicle breaks down into:

- A1. vehicle-related data;
- A2. journey-related data;
- A3. goods-related data (in the basic transport operation).

A1 VEHICLE-RELATED VARIABLES

Pursuant to the definition given in Article 2 of the Regulation, a goods road transport vehicle shall be any single road transport vehicle (lorry) or combination of road vehicles, namely road train (lorry with trailer) or articulated vehicle (road tractor with semi-trailer) designed to carry goods.

The vehicle-related data to be provided are the following:

- 1. possibility of using vehicles for combined transport (optional);
- 2. axle configuration according to Annex B (optional);
- 3. age of the road transport vehicle (lorry or road tractor) in years (from its first registration);
- 4. maximum permissible weight, in 100 kg;
- 5. load capacity, in 100 kg;
- 6. vehicle operator's NACE Rev. 1 category of activity (four-figure level) (optional)⁽¹⁾;
- 7. type of transport (hire or reward/own account);
- 8. type of kilometres covered during the survey period;
 - 8.1. loaded;
 - 8.2. empty (including road tractor journeys without semi-trailer) (optional);
- 9. vehicle weighting, to be used to obtain full results from individual data if the data are collected on the basis of random sampling.

Successive configurations

When the road transport vehicle chosen for the survey is a lorry used alone, i.e. without trailer, throughout the survey period, it constitutes in itself the road vehicle for transporting goods.

However, when the road transport vehicle chosen for the survey is a road tractor — in which case it will have a semi-trailer coupled — or when it is a lorry to which a trailer is coupled, the data required under the Regulation concern the road vehicle for the transport of goods taken as a whole. In this case, there may be a change of configuration during the survey period (with a lorry acquiring a trailer or changing trailer during the period, or a road tractor changing its semi-trailer). In such a case, these successive configurations must be recorded, and the data on the vehicle must be supplied for each journey. However, if it is not possible to record these successive configurations, it is agreed that, for the vehicle-related variables, those corresponding to the configuration at the beginning of the first laden journey made during the survey period or to the configuration used most during that period will be recorded.

Change in type of transport

In the same way, depending on the journey, the transport may be effected on own account or for hire or reward, and the type of transport must be recorded for each journey. However, if it is not possible to record these changes, it is agreed that the 'type of transport' recorded will be that corresponding to the main mode of utilisation.

⁽¹⁾ Statistical classification of economic activities in the European Communities.

A2 JOURNEY-RELATED VARIABLES

During the survey period, the goods road transport vehicle makes journeys, either unloaded (there are no goods or empty packaging in the lorry, the trailer or the semi-trailer, which are therefore 'completely empty') or loaded (there are either goods or empty packaging in the lorry, the trailer or the semi-trailer, empty packaging being a particular type of goods). The loaded distance of the goods road transport vehicle is the distance between the first place of loading and the last place of unloading (where the goods road transport vehicle is completely emptied). A laden journey can therefore cover several basic transport operations.

The data to be provided for each journey are as follows:

1. type of journey in accordance with the nomenclature in Annex C;
2. weight of goods carried during the journey or during each stage of the journey, gross weight in 100 kg;
3. place of loading (of the goods road transport vehicle, for a laden journey);
 - *definition*: the place of loading is the first place in which goods are loaded on the goods road transport vehicle, which was previously completely empty (or where the road tractor is coupled up to a laden semi-trailer). For an unladen journey, it is the place of unloading of the preceding laden journey (notion of 'place where unladen journey begins'),
 - *coding*: the place of loading is coded in accordance with the provisions of Annex G;
4. place of unloading (of the goods road transport vehicle, for a laden journey);
 - *definition*: the place of unloading is the last place in which goods are unloaded from the goods road transport vehicle, which is subsequently completely empty (or where the road tractor is uncoupled from a semi-trailer). For an unladen journey, it is the place of loading of the subsequent laden journey (notion of 'place where unladen journey ends'),
 - *coding*: the place of unloading is coded in accordance with the provisions of Annex G;
5. distance travelled: actual distance excluding the distance covered by the goods road transport vehicle while being transported by another means of transport;
6. tonnes/kilometre effected during the journey;
7. countries crossed in transit (not more than five), coded according to the Geonomenclature⁽¹⁾;
8. place of loading, if any, of the road transport vehicle on another means of transport in accordance with the provisions of Annex G (optional);
9. place of unloading, if any, of the road transport vehicle from another means of transport in accordance with the provisions of Annex G (optional);
10. situation 'fully loaded' (procedure 2) or 'not fully loaded' (procedure 1) of the goods road transport vehicle during the journey in question, in terms of maximum volume of space used during the journey (procedure 0 = by convention for unladen journeys) (optional).

A3 GOODS-RELATED VARIABLES (in the basic transport operation)

During a laden journey, several basic transport operations can be carried out, a basic transport operation being defined as the transport of one type of goods (defined by reference to a particular nomenclature level) between its place of loading and its place of unloading.

The data to be provided relating to a basic transport operation during a laden journey are as follows:

1. type of goods, according to the groups referring to an appropriate classification (see Annex D);
2. weight of goods: gross weight in 100 kg;
3. if need be, the classification of the goods as dangerous according to the main categories of Directive 94/55/EC⁽²⁾ given in Annex E;

⁽¹⁾ Nomenclature of countries for the Community's external trade statistics.

⁽²⁾ Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12. 12. 1994, p. 7). Directive as amended by Commission Directive 96/86/EC (OJ L 335, 24. 12. 1996, p. 43). For the latest amendments to the Annexes, see OJ L 251, 15. 9. 1997, p. 1.

4. type of freight as given in Annex F (optional);
5. place of loading of the goods, coded in accordance with the provisions of Annex G;
6. place of unloading of the goods, coded in accordance with the provisions of Annex G;
7. distance travelled, actual distance excluding the distance covered with the goods road transport vehicle while being transported by another means of transport.

TRANSPORT OPERATIONS CARRIED OUT DURING A 'COLLECTION OR DISTRIBUTION ROUND' TYPE OF JOURNEY (journey-type 3)

For this type of journey, with several loading and/or unloading points, it is practically impossible to ask the transport operators to describe the basic transport operations.

For these journeys, when identified as such, a single, notional, basic transport operation is generally generated on the basis of the information on the journey.

Each Member State will inform the Commission of its definition of this type of journey and explain the simplifying assumptions it is obliged to apply when collecting data on the corresponding transport operations.

Methodological appendix

Laden journeys and basic transport operations

Depending on the Member State concerned, information on transport is collected on the basis of:

- either a description of each basic goods transport operation (with additional details on unladen journeys),
- or a description of the journeys made by the vehicle in carrying out these basic goods transport operations.

In the great majority of cases, when a laden journey is made this represents one basic transport operations only with:

- a single type of goods loaded (by reference to the classification of goods in use, in this case the 24 groups derived from the NST classification)⁽¹⁾,
- a single point of loading for the goods,
- a single point of unloading for the goods.

In this case the two methods used are completely equivalent, and the information collected by either method describes both:

- the transportation of the goods (all the basic goods transport operations),
- the journeys made by the vehicles carrying out these operations, with details of vehicle capacities and utilisation of these capacities (laden journey with utilisation coefficient; unladen journey).

Under this Regulation, the transportation of goods and the journeys made by the vehicles must both be described, but it is undesirable to impose on the transport operators an excessive increase in the burden of statistics by asking them to describe in detail the transportation of goods and the vehicle journeys.

Accordingly, the NSOs in the Member States, when coding the questionnaires, must reconstitute the data which are not explicitly required from the transport operators from the data which they collect on the basis of either the 'basic transport operation', or the 'vehicle journey'.

The problem will arise when several basic transport operations are carried out in the course of one laden journey, which may be because:

- there are several points of loading and/or unloading of the goods (but limited in number, otherwise these would be pick-up or distribution rounds, which require special treatment).

In this case these various loading and/or unloading points are recorded, in order to calculate directly the tonnes/kilometre effected during the journey, and the statistical office can reconstitute the basic transport operations,

- and/or the fact that there are several different types of goods transported during the laden journey, a fact which in general is not recorded in the statistics, since only the type of goods (single or main) is requested. In this case the loss of information is accepted and Member States carrying out this type of simplification will make explicit mention of it to the Commission.

⁽¹⁾ NST: Uniform nomenclature of goods for transport statistics.

ANNEX B

CLASSIFICATION OF AXLE CONFIGURATIONS

Where a combination of vehicles is used, the axle configuration counts the total number of axles, i. e. the axles of the lorry or the road tractor, plus those of the trailer or semi-trailer.

The axle categories considered are as follows:

	Coding
1. Number of axles of single vehicles (lorries):	
2	120
3	130
4	140
other	199
2. Number of axles for combinations of vehicles:	
lorry and trailer	
2+1	221
2+2	222
2+3	223
3+2	232
3+3	233
other	299
3. Number of axles for combinations of vehicles:	
road tractor and semi-trailer	
2+1	321
2+2	322
2+3	323
3+2	332
3+3	333
other	399
4. Road tractor alone	499

ANNEX C

CLASSIFICATION OF TYPES OF JOURNEY

1. Laden journey involving one single basic transport operation.
2. Laden journey involving several transport operations, but not considered as a collection or distribution round.
3. Laden journey of the collection or distribution round type.
4. Unladen journeys.

ANNEX D

CLASSIFICATION OF GOODS

The classification of goods shall be according to the NST until such time as its substitution is laid down by the Commission, in consultation with the Member States.

GROUPS OF GOODS

Groups of goods	NST ⁽¹⁾ chapter	NST ⁽¹⁾ groups	Description
1	0	01	Cereals
2		02, 03	Potatoes, other fresh or frozen vegetables, fresh fruits
3		00, 06	Live animals, sugar beet
4		05	Wood and cork
5		04, 09	Textiles and waste, other raw animal and vegetable materials
6	1	11, 12, 13, 14, 15, 16, 17	Foodstuffs and animal fodder
7		18	Oil seeds and oleaginous fruits and fats
8	2	21, 22, 23	Solid mineral fuels
9	3	31	Crude petroleum
10		32, 33, 34	Petroleum products
11	4	41, 46	Iron ore, iron and steel waste and blast furnace dust
12		45	Non-ferrous ores and waste
13	5	51, 52, 53, 54, 55, 56	Metal products
14	6	64, 69	Cement, lime, manufactured building materials
15		61, 62, 63, 65	Crude and manufactured minerals
16	7	71, 72	Natural and chemical fertilisers
17	8	83	Coal, chemicals, tar
18		81, 82, 89	Chemicals other than coal, chemicals and tar
19		84	Paper pulp and waste paper
20	9	91, 92, 93	Vehicles and transport equipment, machinery, apparatus, engines, whether or not assembled, and parts thereof
21		94	Manufactures of metal
22		95	Glass, glassware, ceramic products
23		96, 97	Leather, textiles, clothing, other manufactured articles
24		99	Miscellaneous articles

⁽¹⁾ Published by the Statistical Office of the European Communities (1968 edition).

*ANNEX E***CLASSIFICATION OF CATEGORIES OF DANGEROUS GOODS (*)**

- 1 Explosives
- 2 Gases, compressed, liquified or dissolved under pressure
- 3 Flammable liquids
- 4.1 Flammable solids
- 4.2 Substances liable to spontaneous combustion
- 4.3 Substances which, in contact with water, emit flammable gases
- 5.1 Oxidising substances
- 5.2 Organic peroxides
- 6.1 Toxic substances
- 6.2 Substances liable to cause infections
- 7 Radioactive material
- 8 Corrosives
- 9 Miscellaneous dangerous substances

(*) Each category is either a class or a division of a class of the classification of types of dangerous goods as defined in Directive 94/55/EC, Annex A, part I, marginal 2002 (1).

(1) Annexes A and B to Directive 94/55/EC. The latest amendments to these Annexes appear in OJ L 251, 15. 9. 1997, p. 1.

*ANNEX F***CLASSIFICATION OF CARGO TYPES (*)**

- 0 Liquid bulk goods (no cargo unit)
- 1 Solid bulk goods (no cargo unit)
- 2 Large freight containers
- 3 Other freight containers
- 4 Palletised goods
- 5 Pre-slung goods
- 6 Mobile, self-propelled units
- 7 Other mobile units
- 8 (Reserved)
- 9 Other cargo types

(*) United Nations, Economic Commission for Europe — Codes for types of cargo, packages and packaging materials, Recommendation 21 adopted by the Working Party on Facilitation of International Trade Procedures, Geneva, March 1986.

*ANNEX G***CODING OF PLACES OF LOADING AND UNLOADING**

- 1. Level 3 of the Nomenclature of Territorial Units for Statistics (NUTS), for the Member States of the European Community.
 - 2. Lists of administrative regions supplied by the third country concerned, for States which are not members of the European Community but which are contracting parties to the Agreement on the European Economic Area (EEA), namely Iceland, Liechtenstein and Norway.
 - 3. Nomenclature of countries used for the Community's external trade statistics, for other third countries.
-

COMMISSION REGULATION (EC) No 1173/98
of 5 June 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 6 June 1998.

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

Done at Brussels, 5 June 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 5 June 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	85,8
	999	85,8
0707 00 05	052	94,8
	068	64,4
	999	79,6
0709 90 70	052	64,8
	999	64,8
0805 30 10	382	59,2
	388	57,1
	528	73,1
	999	63,1
0808 10 20, 0808 10 50, 0808 10 90	388	68,5
	400	84,6
	404	80,2
	508	92,6
	512	76,7
	524	63,6
	528	65,7
	720	139,8
	804	104,8
	999	86,3

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

COMMISSION REGULATION (EC) No 1174/98**of 5 June 1998****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2094/97**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽⁴⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 2 to 4 June 1998 in response to the invitation to tender referred to in Regulation (EC) No 2094/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 6 June 1998.

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

Done at Brussels, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 1175/98**of 5 June 1998****on the issue of import licences for garlic originating in China**

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97 ⁽²⁾,

Having regard to Council Regulation (EC) No 1137/98 of 29 May 1998 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, and in particular Article 1(3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 1662/94 ⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1(1) of Regulation (EC) No 1137/98, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1998 to 31 May 1999;

Whereas, given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 1 and 2 June 1998 is in excess

of the maximum monthly quantity given in the Annex to that Regulation for the month of June 1998; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 2 June 1998 and before 3 July 1998 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 1 and 2 June 1998 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 7,19039 % of the quantity applied for, having regard to the information available to the Commission on 3 June 1998.

For the abovementioned products applications for import licences lodged after 2 June 1998 and before 3 July 1998 shall be refused.

Article 2

This Regulation shall enter into force on 6 June 1998.

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

Done at Brussels, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 157, 30. 5. 1998, p. 107.

⁽⁴⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 1176/98
of 5 June 1998
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to
tender

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

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

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽³⁾, as last amended by Regulation (EC) No 1047/98⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 8 June 1998.

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

Done at Brussels, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ L 149, 20. 5. 1998, p. 19.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
België/Belgique		×				
Deutschland		×				
Ireland				×	×	×
Österreich		×				
Great Britain					×	
Northern Ireland				×	×	×

COMMISSION REGULATION (EC) No 1177/98
of 5 June 1998
amending Regulation (EC) No 2629/97 with regard to use of the animal
identification code by Italy
(Text with EEA relevance)

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

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products⁽¹⁾, and in particular Article 10(a), (b) and (c) thereof,

Whereas Commission Regulation (EC) No 2629/97⁽²⁾ lays down detailed rules regarding ear tags, holding registers and passports as part of the system for the identification and registration of bovine animals;

Whereas as far as the code for the identification of bovine animals is concerned, it seems appropriate to take into account the difficulties pointed out by the Italian authorities and to permit those authorities to use a maximum of three supplementary characters; whereas it is important to stipulate that those supplementary characters may not form part of the numeric code;

Whereas Regulation (EC) No 2629/97 should therefore be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 4 is added to Article 1 of Regulation (EC) No 2629/97:

‘4. In addition to the information provided for in paragraph 1, the Italian central competent authority may use a maximum of three supplementary characters. Those characters shall not form part of the numeric code provided for by point (b) of paragraph 2.’

Article 2

This Regulation shall enter into force on the 20th 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, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽²⁾ OJ L 354, 30. 12. 1997, p. 19.

COMMISSION REGULATION (EC) No 1178/98**of 5 June 1998****initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1015/94 on imports of certain television camera systems originating in Japan and making the latter imports subject to registration**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

B. REQUEST

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

- (4) The Commission has received a request pursuant to Article 13(3) of the Basic Regulation to investigate alleged circumvention of anti-dumping duties imposed by Regulation (EC) No 1015/94 on imports of television camera systems originating in Japan, by the importation of modules, kits, sub-assemblies and parts from Japan, which are allegedly used to assemble television camera systems in the Community; to make imports of these modules, kits, sub-assemblies and parts subject to registration by customs authorities pursuant to Article 14(5) of the Basic Regulation; and to propose to the Council, where justified, the extension of the above anti-dumping duties to the latter imports.

A. PREVIOUS INVESTIGATIONS**C. APPLICANT**

- (1) In April 1994, the Council, by Regulation (EC) No 1015/94⁽³⁾, as last amended by Regulation (EC) No 1952/97⁽⁴⁾, imposed a definitive anti-dumping duty on imports of television camera systems (hereinafter TCS) originating in Japan. The rate of the definitive anti-dumping duty amounted to 62,6 % for Sony Corporation (hereinafter 'Sony'), to 82,9 % for Ikegami Tsushinki Co Ltd (hereinafter 'Ikegami') and to 52,7 % for Hitachi Denshi Ltd (hereinafter 'Hitachi').

- (5) The request has been lodged on 23 April 1998 by Philips Broadcast Television Systems bv.

D. PRODUCT

- (2) In October 1995, the Council, by Regulation (EC) No 2474/95⁽⁵⁾, amended Regulation (EC) No 1015/94, in particular as regards the like product definition and as regards certain models of professional cameras explicitly exempted from the scope of the definitive anti-dumping duties.

- (6) The product concerned by the allegation of circumvention are television camera modules, kits, sub-assemblies and parts thereof from Japan, which are used for the assembly in the European Community of television camera systems. These products are currently classified within the following CN codes ex 8529 90 72, ex 8529 90 81, ex 8542 13 72, ex 8531 20 59, ex 8531 20 80, ex 8538 10 00, ex 8539 90 91 and ex 9002 90 90. These codes are given for information only.

- (3) In October 1997, the Council, by Regulation (EC) No 1952/97 amended the rates of the definitive anti-dumping duty for Sony Corporation to 108,3 % and Ikegami Tsushinki to 200,3 % in accordance with Article 12 of Regulation (EC) No 384/96 (hereinafter 'the Basic Regulation'). Furthermore, the Council decided that certain models of professional camera should be explicitly exempted from the scope of the definitive anti-dumping duties and therefore be added to the Annex of the abovementioned Regulation (EC) No 1015/94.

E. EVIDENCE

- (7) The request contains sufficient preliminary evidence in accordance with Article 13(3) of the Basic Regulation to initiate an investigation to examine whether the anti-dumping duties on imports of television camera systems originating in Japan are being circumvented by imports of television camera modules, kits, sub-assemblies and parts from that country, subsequently used in assembly or completion operations in the Community. The request concerns only two Japanese exporters, namely Sony and Ikegami.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 111, 30. 4. 1994, p. 106.

⁽⁴⁾ OJ L 276, 9. 10. 1997, p. 20.

⁽⁵⁾ OJ L 255, 25. 10. 1995, p. 11.

(8) The evidence is as follows:

- (a) Since the introduction of the anti-dumping duties in 1994, and especially since the imposition of further duties in 1997 on imports of Ikegami and Sony in accordance to Article 12 of the Basic Regulation, a change has taken place in the pattern of trade between Japan and the European Community. Between 1995 and 1997, imports of television camera systems from Japan have significantly decreased, whereas sales volumes, turnover and market shares of the product concerned of Japanese importers/assemblers in the Community would have remained stable or have even increased.

This change in the pattern of trade is alleged to stem from an increase in assembly operations in the Community, for which it is alleged there is insufficient due cause or economic justification, apart from the existence of anti-dumping duties. The two Japanese exporters in question set up assembly operations at the time of the imposition of anti-dumping duties in 1994. The most obvious cause of the abovementioned change in the pattern of trade is that imports of television camera modules, kits, sub-assemblies and parts are not subject to the anti-dumping duty imposed on imports of assembled television camera systems originating in Japan, which amount to 108,3 and 200,3 % for television camera systems produced by Sony and Ikegami respectively.

Moreover, the request provides preliminary evidence that the value of Japanese parts or components is not less than 60 % of the total value of the parts of the television camera systems assembled in the Community, and that the added value to the parts brought in, during the assembly completion operation in the Community, is not greater than 25 % of the manufacturing cost.

- (b) Furthermore, the request contains preliminary evidence of dumping in relation to the normal values established in the previous investigations in respect of television camera systems originating in Japan. It shows that the prices of television cameras assembled in the Community from Japanese modules, kits, sub-assemblies and parts are lower than the non-dumped level of the export prices of the television camera systems as established in the previous Article 12 investigation.
- (c) Finally, the request contains preliminary evidence that the alleged circumvention is undermining the remedial effects of the existing anti-dumping duties in terms of quantities and prices of the assembled like product.

F. PROCEDURE

- (9) In the light of the evidence contained in the request, the Commission has concluded that sufficient evidence exists to initiate an investigation pursuant to Article 13(3) of the Basic Regulation, and to make imports from Japan of television camera modules, kits, subassemblies and parts mentioned in recital 7 subject to registration, in accordance with Article 14(5) of the said Regulation.

Investigation

- (10) Owing to the complexity of the product concerned and the specificities of this case as well as the seriousness of the alleged circumvention of anti-dumping duties by the exporters concerned, the Commission considers it appropriate to start its investigation by visits and inspections, particularly amongst importers and parties related to the exporters concerned, in order to obtain the information deemed necessary to permit an efficient investigation.

These visits shall take place starting immediately after the publication of this Regulation in the *Official Journal of the European Communities*.

- (11) In order to obtain the information it deems necessary for the investigation, the Commission may send questionnaires to the Japanese producers of television cameras named in the request, as well as to their related importers in the Community which are deemed to be the assemblers of television cameras.
- (12) Other interested parties which can show that they are likely to be affected by the outcome of the investigation should ask for a copy of the questionnaire as soon as possible, as they are also subject to the time limit set out in this Regulation. Any request for questionnaires must be made in writing to the address mentioned below, and should indicate the name, address, telephone and fax numbers of the requesting party.

Certificates of non-circumvention

- (13) In accordance with Article 13(4) of the Basic Regulation, certificates exempting imports of the products concerned from registration or measures may be granted, when the importation does not constitute circumvention. Since the issue of these certificates requires the prior authorisation of the Community institutions, requests for such authorisations should be addressed to the Commission as early as possible in the course of the investigation so they may be considered on the basis of a thorough appraisal of their merits.

G. REGISTRATION

- (14) Pursuant to Article 14(5) of the Basic Regulation, customs authorities shall be instructed to register the modules, kits, sub-assemblies and parts listed below, in order to ensure that, should the anti-dumping duties applicable to imports of television camera systems originating in Japan with regard to Sony and Ikegami be extended to the former imports, they may be collected from the date of such registration:

- television camera housing panels, whether or not assembled,
- colour splitters with three or more charge-coupled device pick-up devices attached including electronic (sub)assemblies, whether or not including a filter wheel,
- wide-angle oculars for TV camera viewfinders, including optics with certain anti-reflect coatings,
- printed circuit boards with active elements of a kind used for television cameras, operational control panels, master control panels and TV camera base stations,
- signal processor in the form of an integrated circuit in MOS technology capable of processing and correcting (including gamme-correction, contour-correction, flare-correction and leaking-pixel-correction) digital (video) images of television,
- liquid crystal displays of a kind used in camera control systems,
- boards, panels, consoles, desks, cabinets and other bases of a kind used in camera control systems

H. TIME LIMIT

- (15) In the interest of sound administration, a period of 40 days from the date of publication of this Regulation in the *Official Journal of the European Communities* should be fixed within which inter-

ested parties, provided that they can show that they are likely to be affected by the results of the investigation, may make their views known in writing. A period should also be fixed within which interested parties may make a written request for a hearing and show that they have particular reasons why they should be heard.

Furthermore, it should be stated that, in cases in which any interested party refuses access to, or otherwise does not provide necessary information within the time limit, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation pursuant to Article 13(3) of Regulation (EC) No 384/96 of imports of television camera systems modules, kits, sub-assemblies and parts falling within CN codes ex 8529 90 72, ex 8529 90 81, ex 8542 13 72, ex 8531 20 59, ex 8531 20 80, ex 8538 10 00, ex 8538 90 91 and ex 9002 90 90, originating in Japan and used in assembly operations of television camera systems in the Community is hereby initiated. The above-mentioned codes are given for information. They are only indicative and have no binding effects on the classification of the product.

Article 2

Customs authorities are hereby directed, pursuant to Article 13(3) and 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register imports from Japan of the following parts:

Parts/modules	CN code
Television camera housing panels, whether or not assembled	ex 8529 90 81 (TARIC code: 8529 90 81*39)
Colour splitters with three or more charge-coupled device pick-up devices attached including electronic (sub) assemblies, whether or not including a filter wheel	ex 8529 90 72 (TARIC code: 8529 90 72*40)
Wide-angle oculars for TV camera viewfinders, including optics with certain anti-reflection coatings	ex 9002 90 90 (TARIC code: 9002 90 90*40)
Printed circuit boards with active elements of a kind used for television cameras, operational control panels, master control panels and TV camera base stations	ex 8529 90 72 (TARIC code: 8529 90 72*50) ex 8538 90 91 (TARIC code: 8538 90 91*91)

Parts/modules	CN code
Signal processor in the form of an integrated circuit in MOS technology capable of processing and correcting (including gamme-correction, contour-correction, flare-correction and leaking-pixel-correction) digital (video) images of television cameras.	ex 8542 13 72 (TARIC code: 8542 13 72*10)
Liquid crystal displays of a kind used in camera control systems	ex 8531 20 59 (TARIC code: 8531 20 59*30) ex 8531 20 80 (TARIC code: 8531 20 80*40)
Boards, panels, consoles, desks, cabinets and other bases of a kind used in camera control systems	ex 8538 10 00 (TARIC code: 8538 10 00*91)

Registration shall expire nine months following the date of entry into force of this Regulation.

Imports shall not be subject to registration where they are accompanied by a customs certificate issued in accordance with Article 13(4) of Regulation (EC) No 384/96.

Article 3

Interested parties must, if their representations are to be taken into account during the investigation make themselves known, present their views in writing, submit information and apply to be heard by the Commission within 40 days from the date of publication of this Regulation in the *Official Journal of the European Communities*. This time limit also applies to all interested parties not named in the request, and it is consequently in the interest of all these parties to contact the Commission without delay at the address indicated below.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission,
Directorate General I,
External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand,
Directorates C and E,
DM 24, 8/144,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels;
fax: (32 2) 295 65 05.

Article 4

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, 5 June 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 1179/98**of 5 June 1998****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 213/98 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 983/98 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes, peaches and nectarines will shortly be exceeded; whereas this overrun will prejudice the proper

working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for tomatoes, peaches and nectarines exported after 5 June 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes, peaches and nectarines submitted pursuant to Article 1 of Regulation (EC) No 983/98, export declarations for which are accepted after 5 June 1998 and before 1 July 1998, are hereby rejected.

Article 2

This Regulation shall enter into force on 6 June 1998.

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

Done at Brussels, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 22, 29. 1. 1998, p. 8.

⁽³⁾ OJ L 137, 9. 5. 1998, p. 12.

COMMISSION REGULATION (EC) No 1180/98
of 5 June 1998
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1105/98⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 929/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1105/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 6 June 1998.

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

Done at Brussels, 5 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 146, 16. 5. 1998, p. 19.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	7,19	0,00
1001 90 91	Common wheat seed	51,53	41,53
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	51,53	41,53
	medium quality	76,84	66,84
	low quality	98,09	88,09
1002 00 00	Rye	108,30	98,30
1003 00 10	Barley, seed	108,30	98,30
1003 00 90	Barley, other ⁽³⁾	108,30	98,30
1005 10 90	Maize seed other than hybrid	98,71	88,71
1005 90 00	Maize other than seed ⁽³⁾	98,71	88,71
1007 00 90	Grain sorghum other than hybrids for sowing	108,30	98,30

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 29 May 1998 to 04 June 1998)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	119,99	106,09	94,20	86,68	177,86 ⁽¹⁾	76,75 ⁽¹⁾
Gulf premium (ECU/tonne)	—	11,15	1,78	8,69	—	—
Great Lakes premium (ECU/tonne)	13,53	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,52 per tonne; Great Lakes — Rotterdam: ECU 20,54 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 May 1998

on the clearance of the accounts presented by the Member States in respect of the expenditure for 1994 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

(notified under document number C(1998) 1124)

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

(98/358/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2) thereof,

After consulting the Fund Committee,

Whereas, under Article 5(2) of Regulation (EEC) No 729/70, the Commission, on the basis of the annual accounts presented by the Member States, clears the accounts of the authorities and bodies referred to in Article 4 of that Regulation;

Whereas the Member States have transmitted to the Commission the documents required to clear the accounts for 1994; whereas Article 5(2) of Regulation (EEC) No 729/70 provides that the 1994 financial year began on 16 October 1993 and ended on 15 October 1994;

Whereas the Commission has carried out the verifications provided for in Article 9(2) of Regulation (EEC) No 729/70;

Whereas Article 8 of Commission Regulation (EEC) No 1723/72 of 26 July 1972 on making up accounts of the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽³⁾, as last amended by Regulation (EEC) No 295/88 ⁽⁴⁾, provides that the decision to clear the accounts must include the determination of the amount of expenditure incurred in each Member State during the financial year in question recognised as chargeable to the Guarantee Section of the Fund; whereas Article 102 of the Financial Regulation of 21 December 1977 ⁽⁵⁾, as last amended by Regulation (EC) No 2444/97 ⁽⁶⁾, provides that the outcome of the clearance decision, that is to say, any discrepancy which may occur between the total expenditure booked to the accounts for a financial year under Articles 100 and 101 and the total expenditure recognised by the Commission when clearing the accounts is to be booked, under a single article, as additional expenditure or a reduction in expenditure;

Whereas, under Articles 2 and 3 of Regulation (EEC) No 729/70, only refunds on exports to third countries and intervention to stabilise agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organisation of the

⁽¹⁾ OJ L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ L 125, 8. 6. 1995, p. 1.

⁽³⁾ OJ L 186, 16. 8. 1972, p. 1.

⁽⁴⁾ OJ L 30, 2. 2. 1988, p. 7.

⁽⁵⁾ OJ L 356, 31. 12. 1977, p. 1.

⁽⁶⁾ OJ L 340, 11. 12. 1997, p. 1.

agricultural markets, may be financed; whereas the inspections carried out show that a part of the expenditure declared by the Member States does not meet these conditions and therefore must be disallowed; whereas the amounts declared by each of the Member States concerned, those recognised as chargeable to the EAGGF Guarantee Section and the difference between the two amounts and the difference between the expenditure recognised as chargeable to the EAGGF Guarantee Section and that charged in respect of the year, are annexed to this Decision;

Whereas the expenditure declared by Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom as support for producers of certain arable crops, amounting respectively to BEF 37 610 355, DKK 261 991 880,28, DEM 600 977 770,84, ESP 72 776 981 668, FRF 2 572 344 612,45, IEP 458 554,44, ITL 110 362 227 405, LUF 14 188 574, NLG 1 178 066,51, PTE 3 562 835 605 and GBP 85 024,11 was not covered by the Decision for the clearance of the 1993 EAGGF accounts, because final payments for oilseeds were not made until 1994 and the results of EAGGF inquiries covered all spending in respect of the 1993 harvest and not only the advances paid during 1993; whereas the expenditure declared by Spain for the olive cultivation register amounting to ESP 600 038 445, by France for the discontinuation and the reduction of milk production amounting to FRF 531 272 940,06, and for the premiums for leaf tobacco amounting to FRF 7 160 544, by Italy for the abandonment of wine-growing areas, as per the enquiry of illegal plantings, amounting to ITL 31 861 816 140 was not covered by the Decision for the clearance of the 1993 EAGGF accounts; whereas, therefore, these amounts have been added back to the expenditure declared by the Member States for the 1994 clearance exercise and will be currently cleared;

Whereas the expenditure declared by Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom as support for producers of certain arable crops, amounting respectively to BEF 44 488 205, DKK 217 632 480,18, DEM 625 580 204,80, GRD 704 353 447, ESP 53 526 391 438, FRF 3 032 760 954,71, IEP 1 399 246,84, ITL 171 798 906 560, LUF 13 226 892, NLG 201 888,89, PTE 6 586 838 460 and GBP 88 604 051,26 is not covered by this Decision because final payments for oilseeds were not made until 1995 and the results of EAGGF inquiries cover all spending in respect of the 1994 harvest and not only the advances paid during 1994; whereas, therefore, these amounts have been deducted from the expenditure declared by the Member States for the current clearance exercise and will be cleared later;

Whereas the expenditure declared by Germany in respect of the levying of fees to finance the management of the arable crops scheme in Schleswig-Holstein amounting to

DEM 271 964, by Italy for the olive oil in intervention storage amounting to ITL 202 034 589 024, by Spain in respect of the consumption aid for olive oil amounting to ESP 42 574 312 665 and in respect of the ewe/goat premium amounting to ESP 1 390 733 000 and for the improvement of the quality of milk amounting to ESP 101 802 242 and by the United Kingdom (part only of the total expenditure) in respect of the public storage operations for beef amounting to GBP 1 849 000, is not covered by this Decision since further investigations are still necessary; whereas, therefore, these amounts have been deducted from the expenditure declared by these Member States for the current clearance exercise and will be cleared later;

Whereas corrections are necessary in respect of supplementary levies for milk for the milk years 1985/1986 to 1992/1993 which are still outstanding because of legal disputes between buyers/producers and the competent authorities of certain Member States; whereas these negative corrections for France, Belgium, Luxembourg, United Kingdom and the Netherlands amount to FRF 114 387 058, BEF 32 139 050, LUF 11 979 538, GBP 105 928,21 and NLG 3 043 965,97 respectively; whereas the Commission nevertheless reserves the possibility to re-examine the corrections made under this clearance of accounts if, following the outcome of the legal proceedings, amounts are considered not to be due or to be non-recoverable;

Whereas corrections are necessary if the statutory time limits allowed for payments to be made have elapsed; whereas these corrections for Belgium, Spain, Greece, Ireland, Italy, the Netherlands, Portugal and the United Kingdom under various schemes amount to BEF 440 888, ESP 752 182 204, GRD 666 812 006, IEP 943 665,56, ITL 26 383 487 618, NLG 221 924,10, PTE 139 943 090 and GBP 9 407,41 respectively; whereas the amounts concerned have already been paid over to the Commission by deduction from monthly advances; whereas the Commission wishes that the Member States concerned are given the opportunity to avail themselves of the conciliation procedure; whereas, should this occur, the Commission will re-examine these corrections, once the conciliation reports are available; whereas this Decision is nevertheless immediately applicable;

Whereas, on the basis of Commission decision of 2 February 1995, it was not possible to enter into the accounts of the budget year 1994 certain amounts of expenditure declared by France and Italy due to a lack of credits in the relevant budget lines; whereas, as a consequence, the Commission could not book this expenditure in the 1994 budget year and, therefore, the pertinent advances to be paid had to be reduced by an amount of FRF 179 945 575,32 and of ITL 36 421 859 436 respectively; whereas, since these amounts were declared by France and Italy in their 1994 declaration, it is necessary,

for the clearance of these amounts, to include in the annexes of the present Decision the amounts chargeable to the said Member States;

Whereas, before a financial correction that is eligible for the conciliation procedure set up by Commission Decision 94/442/EC ⁽¹⁾ is fixed by the Commission, it is necessary that the Member State be given an opportunity, if it so wishes, of availing itself of that procedure; whereas, should this occur, it is essential that the Commission study the report drawn up by the Conciliation Body; whereas the period set for the procedure will not have expired, in respect of all the eligible corrections, by the date of adoption of this Decision; whereas the clearance decision should not, however, be delayed further; whereas the corresponding amounts have therefore been deducted from the expenditure declared by the Member States concerned in respect of the year under consideration and will be cleared later;

Whereas Article 8 of Regulation (EEC) No 729/70 provides that the financial consequences arising from irregularities or negligence are not to be borne by the Community if they are the result of irregularities or negligence attributable to administrative authorities or other bodies of the Member States; whereas some of those financial consequences which cannot be borne by the Community budget should be included within the scope of this Decision;

Whereas this Decision is without prejudice to any financial consequences which may be determined in any subsequent clearance of accounts in respect of State aid or infringements for which the procedures initiated under Articles 93 and 169 of the Treaty are now being implemented or were terminated after 31 December 1997;

Whereas this Decision is without prejudice to any financial consequences drawn by the Commission, during a subsequent accounts clearance procedure, from current investigations under way at the time of this Decision, from irregularities within the meaning of Article 8 of Regulation (EEC) No 729/70 or from judgments of the Court of Justice in cases pending on 31 December 1997 and relating to matters covered by this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Member States' accounts concerning expenditure financed by the EAGGF Guarantee Section in respect of 1994 are hereby cleared as shown in Annex I.

Article 2

The amounts arising under points 3 of the Annexes are to be booked as part of the expenditure referred to in Article 4(1) of Commission Regulation (EC) No 296/96 ⁽²⁾, in respect of the second month after the notification of this Decision.

Article 3

This Decision is addressed to the Member States of the Community as constituted on 31 December 1994.

Done at Brussels, 6 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 182, 16. 7. 1994, p. 45.

⁽²⁾ OJ L 39, 17. 2. 1996, p. 5.

ANNEX

BELGIUM

EAGGF Guarantee Section expenditure Financial year: 1994	(BEF)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	46 868 963 651
(b) Expenditure declared during the preceding year but excluded from that clearance	37 610 355
(c) Expenditure declared, excluded from the present clearance	— 44 488 205
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	46 862 085 801
(f) Expenditure disallowed	— 415 690 144
(g) Total expenditure recognised (e + f)	46 446 395 658
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	46 865 740 200
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	37 610 355
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 44 488 205
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later financial year	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	46 858 862 350
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	412 466 693

DENMARK

EAGGF Guarantee Section expenditure Financial year: 1994	(DKK)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	9 693 942 824,61
(b) Expenditure declared during the preceding year but excluded from that clearance	261 991 880,28
(c) Expenditure declared, excluded from the present clearance	– 217 632 480,18
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	9 738 302 224,71
(f) Expenditure disallowed	– 34 594 787,72
(g) Total expenditure recognised (e + f)	9 703 707 436,99
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	9 670 777 437,62
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	261 991 880,28
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	– 217 632 480,18
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	9 715 136 837,72
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f – 1g)	11 429 400,73

GERMANY

EAGGF Guarantee Section expenditure Financial year: 1994	(DEM)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	9 928 904 555,58
(b) Expenditure declared during the preceding year but excluded from that clearance	600 977 770,84
(c) Expenditure declared, excluded from the present clearance	– 625 852 168,80
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	9 904 030 157,62
(f) Expenditure disallowed	– 43 076 291,12
(g) Total expenditure recognised (e + f)	9 860 953 866,50
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	9 928 293 557,67
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	600 977 770,84
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	– 625 852 168,80
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	9 903 419 159,71
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f – 1g)	42 465 293,21

GREECE

EAGGF Guarantee Section expenditure Financial year: 1994	(GDR)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	773 412 247 306
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	— 14 056 031 234
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	759 356 216 072
(f) Expenditure disallowed	— 4 562 037 494
(g) Total expenditure recognised (e + f)	754 794 178 578
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	773 469 535 426
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 14 056 031 234
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	759 413 504 192
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	4 619 325 614

SPAIN

EAGGF Guarantee Section expenditure Financial year: 1994	(ESP)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	729 971 500 509
(b) Expenditure declared during the preceding year but excluded from that clearance	73 377 020 113
(c) Expenditure declared, excluded from the present clearance	— 102 176 374 897
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	701 172 145 725
(f) Expenditure disallowed	— 1 616 908 294
(g) Total expenditure recognised (e + f)	699 555 237 431
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	729 459 474 816
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	73 377 020 113
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 102 176 374 897
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	700 660 120 032
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	1 104 882 601

FRANCE

EAGGF Guarantee Section expenditure Financial year: 1994	(FRF)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	52 981 388 267,23
(b) Expenditure declared during the preceding year but excluded from that clearance	3 110 778 096,51
(c) Expenditure declared, excluded from the present clearance	— 3 070 415 234,71
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	53 021 751 129,03
(f) Expenditure disallowed	— 518 731 862,82
(g) Total expenditure recognised (e + f)	52 503 019 266,21
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	52 802 730 864,61
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	3 110 778 096,51
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 3 070 415 234,71
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	179 945 575,32
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	53 023 039 301,73
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	520 020 035,52

IRELAND

EAGGF Guarantee Section expenditure Financial year: 1994	(IEP)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	1 181 045 319,52
(b) Expenditure declared during the preceding year but excluded from that clearance	458 554,44
(c) Expenditure declared, excluded from the present clearance	— 3 344 334,65
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	1 178 159 539,31
(f) Expenditure disallowed	— 3 438 853,29
(g) Total expenditure recognised (e + f)	1 174 720 686,02
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	1 178 258 927,22
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	458 554,44
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 3 344 334,65
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	1 175 373 147,01
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	652 460,99

ITALY

EAGGF Guarantee Section expenditure Financial year: 1994	(ITL)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	7 269 367 990 162
(b) Expenditure declared during the preceding year but excluded from that clearance	328 052 868 479
(c) Expenditure declared, excluded from the present clearance	— 449 078 987 827
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	7 148 341 870 814
(f) Expenditure disallowed	— 191 864 370 710
(g) Total expenditure recognised (e + f)	6 956 477 500 104
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	7 220 045 509 560
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	328 052 868 479
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 449 078 987 827
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later exercise	36 421 859 436
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	7 135 441 249 648
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	178 963 749 544

LUXEMBOURG

EAGGF Guarantee Section expenditure Financial year: 1994	(LUF)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	477 297 768
(b) Expenditure declared during the preceding year but excluded from that clearance	14 188 574
(c) Expenditure declared, excluded from the present clearance	— 13 226 892
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	478 259 450
(f) Expenditure disallowed	— 11 962 119
(g) Total expenditure recognised (e + f)	466 297 331
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	477 315 187
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	14 188 574
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 13 226 892
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	478 276 869
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	11 979 538

NETHERLANDS

EAGGF Guarantee Section expenditure Financial year: 1994	(NLG)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	4 198 939 679,42
(b) Expenditure declared during the preceding year but excluded from that clearance	1 178 066,51
(c) Expenditure declared, excluded from the present clearance	— 585 742,36
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	4 199 532 003,57
(f) Expenditure disallowed	— 19 949 266,06
(g) Total expenditure recognised (e + f)	4 179 582 737,51
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	4 188 600 170,18
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	1 178 066,51
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 585 742,36
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	4 189 192 494,33
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	9 609 756,82

PORTUGAL

EAGGF Guarantee Section expenditure Financial year: 1994	(PTE)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	141 216 244 963
(b) Expenditure declared during the preceding year but excluded from that clearance	3 562 835 605
(c) Expenditure declared, excluded from the present clearance	— 7 014 592 645
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	137 764 487 923
(f) Expenditure disallowed	— 1 041 254 951
(g) Total expenditure recognised (e + f)	136 723 232 972
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	139 567 752 059
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	3 562 835 605
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 7 014 592 645
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a later exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	136 115 995 019
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	— 607 237 953

UNITED KINGDOM

EAGGF Guarantee Section expenditure Financial year: 1994	(GBP)
1. Expenditure recognised	
(a) Expenditure declared by the Member State in respect of the present clearance	2 240 923 484,89
(b) Expenditure declared during the preceding year but excluded from that clearance	85 024 800,11
(c) Expenditure declared, excluded from the present clearance	— 90 772 775,92
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	2 235 175 509,08
(f) Expenditure disallowed	— 33 622 873,37
(g) Total expenditure recognised (e + f)	2 201 552 635,71
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	2 241 069 652,02
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	85 024 800,11
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 90 772 775,92
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a later exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	2 235 321 676,21
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	33 769 040,50

COMMISSION DECISION

of 15 May 1998

approving a programme for infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by Italy for the autonomous province of Trento

*(notified under document number C(1998) 1337)***(Only the Italian text is authentic)****(Text with EEA relevance)**

(98/359/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾, and in particular Article 10(2) thereof,

Whereas Member States may submit to the Commission programmes designed to enable them to obtain for one or more regions the status of approved zone free of infectious haematopoietic necrosis (IHN) and of viral haemorrhagic septicaemia (VHS);

Whereas by letters dated 23 December 1996 and 14 July 1997, Italy has, observing the procedures laid down in Article 10 of Directive 91/67/EEC, submitted a programme designed to enable it to obtain approved zone status for IHN and VHS for the autonomous province of Trento;

Whereas the programme specifies the geographical zones concerned, the action to be taken by officials, the procedures to be followed by laboratories, the prevalence of the diseases and the action to be taken to combat them if detected;

Whereas it also provides that during its period of application the only movements of live eggs and fish permitted are from approved farms to other farms;

Whereas examination has shown that the programme is in line with the provisions of Article 10 of Directive 91/67/EEC;

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 programme for IHN and VHS submitted by Italy for the autonomous province of Trento is hereby approved.

Article 2

Italy shall bring into force the legislative, regulatory and administrative provisions required for implementation of the programme referred to in Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 15 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

COMMISSION DECISION

of 18 May 1998

amending Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC and 93/197/EEC in relation to equidae from the Federal Republic of Yugoslavia

(notified under document number C(1998) 1341)

(Text with EEA relevance)

(98/360/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 14, 15, 16, 18 and 19(ii) thereof,

Whereas Commission Decision 97/736/EC⁽²⁾ amending Council Decision 79/542/EEC⁽³⁾ has authorised the imports of equidae from the Federal Republic of Yugoslavia;

Whereas the health conditions and veterinary certification for the temporary admission of registered horses and for imports of registered equidae and equidae for breeding and production are laid down respectively in Commission Decisions 92/260/EEC⁽⁴⁾ and 93/197/EEC⁽⁵⁾, both as last amended by Decision 97/160/EC⁽⁶⁾, for the re-entry of registered horses after temporary export in Commission Decision 93/195/EEC⁽⁷⁾, as last amended by Decision 97/684/EC⁽⁸⁾, and for the imports of equidae for slaughter in Commission Decision 93/196/EEC⁽⁹⁾ as last amended by Decision 97/36/EC⁽¹⁰⁾;

Whereas therefore Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC and 93/197/EEC have to be amended in order to lay down the animal health conditions and the veterinary certification for different types of imports of equidae from the Federal Republic of Yugoslavia; whereas the certificates used for other eastern European countries should be applicable in relation to equidae from the Federal Republic of Yugoslavia;

Whereas, furthermore, to avoid confusion, the title of certificate D of Annex II to Decision 92/260/EEC should be amended in line with its Annex I;

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

Decision 92/260/EEC is amended as follows:

1. In Annex I the list of countries in Group B is replaced by:

‘Australia (AU), Bosnia-Herzegovina (BA), Bulgaria (BG), Belarus (BY), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Croatia (HR), Hungary (HU), Lithuania (LI), Latvia (LV), Former Yugoslav Republic of Macedonia (807), New Zealand (NZ), Poland (PL), Romania (RO), Russia (RU), Slovak Republic (SK), Slovenia (SL), Ukraine (UA), Federal Republic of Yugoslavia (YU).’;

2. In Annex II the title of certificate B is replaced by:

‘HEALTH CERTIFICATE

for the temporary admission of registered horses into Community territory from Australia, Bosnia-Herzegovina, Bulgaria, Belarus, Cyprus, Czech Republic, Estonia, Croatia, Hungary, Lithuania, Latvia, Former Yugoslav Republic of Macedonia, New Zealand, Poland, Romania, Russia (RU), Slovak Republic, Slovenia, Ukraine, Federal Republic of Yugoslavia for a period of less than 90 days’;

3. In Annex II the third indent of paragraph (d) of Chapter III of certificates A, B, C, D and E is replaced by:

‘— Australia (AU), Bosnia-Herzegovina (BA), Bulgaria (BG), Belarus (BY), Canada (CA), Switzerland (CH), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Greenland (GL), Hong-Kong (HK), Croatia (HR),

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 42.

⁽²⁾ OJ L 295, 29. 10. 1997, p. 37.

⁽³⁾ OJ L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ L 130, 15. 5. 1992, p. 67.

⁽⁵⁾ OJ L 86, 6. 4. 1993, p. 16.

⁽⁶⁾ OJ L 62, 4. 3. 1997, p. 39.

⁽⁷⁾ OJ L 86, 6. 4. 1993, p. 1.

⁽⁸⁾ OJ L 287, 21. 10. 1997, p. 49.

⁽⁹⁾ OJ L 86, 6. 4. 1993, p. 7.

⁽¹⁰⁾ OJ L 14, 17. 1. 1997, p. 57.

Hungary (HU), Iceland (IS), Japan (JA), Lithuania (LI), Latvia (LV), Former Yugoslav Republic of Macedonia (807), Macau (MO), Malaysia (peninsula) (MY), Norway (NO), New Zealand (NZ), Poland (PL), Romania (RO), Russia (') (RU), Slovak Republic (SK), Singapore (SG), Slovenia (SL), Ukraine (UA), United States of America (US), Federal Republic of Yugoslavia (YU).';

4. In Annex II the title of certificate D is replaced by:

'HEALTH CERTIFICATE

for the temporary admission of registered horses into Community territory from Argentina, Barbados, Bermuda, Bolivia, Brazil ('), Chile, Cuba, Jamaica, Mexico, Paraguay, Uruguay for a period of less than 90 days'.

Article 2

Decision 93/195/EEC is amended as follows:

1. In Annex I the list of countries in Group B is replaced by:

'Australia (AU), Bosnia-Herzegovina (BA), Bulgaria (BG), Belarus (BY), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Croatia (HR), Hungary (HU), Lithuania (LI), Latvia (LV), Former Yugoslav Republic of Macedonia (807), New Zealand (NZ), Poland (PL), Romania (RO), Russia (') (RU), Slovak Republic (SK), Slovenia (SL), Ukraine (UA), Federal Republic of Yugoslavia (YU).'

2. In Annex II the list of countries in Group B in the title of the health certificate is replaced by:

'Australia, Bosnia-Herzegovina, Bulgaria, Belarus, Cyprus, Czech Republic, Estonia, Croatia, Hungary, Lithuania, Latvia, Former Yugoslav Republic of Macedonia, New Zealand, Poland, Romania, Russia ('), Slovak Republic, Slovenia, Ukraine, Federal Republic of Yugoslavia.'

Article 3

In Annex II footnote 3 to Decision 93/196/EEC, the list of countries in Group B is replaced by:

'Australia, Bosnia-Herzegovina, Bulgaria, Belarus, Cyprus, Czech Republic, Estonia, Croatia, Hungary,

Lithuania, Latvia, Former Yugoslav Republic of Macedonia, New Zealand, Poland, Romania, Russia ('), Slovak Republic, Slovenia, Ukraine, Federal Republic of Yugoslavia.'

Article 4

Decision 93/197/EEC is amended as follows:

1. In Annex I the list of countries in Group B is replaced by:

'Australia (AU), Bosnia-Herzegovina (BA), Bulgaria (BG), Belarus (BY), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Croatia (HR), Hungary (HU), Lithuania (LI), Latvia (LV), Former Yugoslav Republic of Macedonia (807), New Zealand (NZ), Poland (PL), Romania (RO), Russia (') (RU), Slovak Republic (SK), Slovenia (SL), Ukraine (UA), Federal Republic of Yugoslavia (YU).'

2. In Annex II the title of certificate B is replaced by:

'HEALTH CERTIFICATE

for imports into Community territory of registered equidae and equidae for breeding and production from Australia, Bosnia-Herzegovina, Bulgaria, Belarus, Cyprus, Czech Republic, Estonia, Croatia, Hungary, Lithuania, Latvia, Former Yugoslav Republic of Macedonia, New Zealand, Poland, Romania, Russia ('), Slovak Republic, Slovenia, Ukraine, Federal Republic of Yugoslavia.'

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 18 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 18 May 1998

establishing the list of approved zones, with regard to infectious haematopoietic
necrosis and viral haemorrhagic septicaemia, in Spain

(notified under document number C(1998) 1342)

(Text with EEA relevance)

(98/361/EC)

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

Having regard to Council Directive 91/67/EEC of 28
January 1991 concerning the animal health conditions
governing the placing on the market of aquaculture
animals and products⁽¹⁾, as last amended by Directive
97/79/EC⁽²⁾, and in particular Article 5(2) thereof,

Whereas Member States may obtain for their territory or
parts thereof the status of approved zone free of certain
fish diseases;

Whereas Spain has submitted to the Commission a
programme designed to obtain, with regard to infectious
haematopoietic necrosis (IHN) and viral haemorrhagic
septicaemia (VHS) the status of approved zone for the
region of Asturias;

Whereas this programme was adopted by Commission
Decision 94/862/EC⁽³⁾;

Whereas, after examination of the evidence submitted by
Spain, it appears that this programme has been success-
fully completed and that no case of IHN or VHS has
been detected in Asturias;

Whereas therefore the conditions are fulfilled to grant to
the region of Asturias the status of approved zone with
regard to IHN and VHS;

Whereas the provisions of this Decision are in compli-
ance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The catchment areas referred to in Part I of the Annex are recognised as approved continental zones in respect of IHN and VHS.
2. The coastal zones listed in part II of the Annex are recognised as approved coastal zones in respect of IHN and VHS.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 352, 31. 12. 1994, p. 72.

*ANNEX***LIST OF APPROVED ZONES WITH REGARD TO IHN AND VHS IN SPAIN****I. Continental zones**

All the water catchment areas in the region of Asturias, excluding the water catchment area of the Río Eo.

II. Coastal zones

The entire coast of Asturias.

COMMISSION DECISION

of 19 May 1998

amending for the second time Commission Decision 93/42/EEC, concerning additional guarantees relating to infectious bovine rhinotracheitis for bovines destined for Member States or regions of Member States free from the disease, in relation to Sweden and amending Commission Decision 95/109/EC

(notified under document number C(1998) 1355)

(Text with EEA relevance)

(98/362/EC)

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended and updated by Council Directive 97/12/EC ⁽²⁾, and in particular Articles 9(3) and 10(2) thereof,

Whereas an eradication programme of infectious bovine rhinotracheitis (IBR) in Sweden was approved by Commission Decision 95/71/EC ⁽³⁾; whereas the programme is regarded to have been successful in eradicating this disease from Sweden;

Whereas to secure progress and successfully conclude the initiated IBR programme Sweden was granted certain additional guarantees by Commission Decision 95/109/EC ⁽⁴⁾;

Whereas Sweden considers that its territory is free from infectious bovine rhinotracheitis and has submitted supporting documentation to the Commission;

Whereas the authorities of Sweden apply for national movement of bovine animals rules at least equivalent as those foreseen in the present Decision;

Whereas Commission Decision 93/42/EEC ⁽⁵⁾, as amended by Decision 94/962/EEC ⁽⁶⁾, gives additional guarantees in relation to infectious bovine rhinotracheitis for bovines destined for Denmark and Finland;

Whereas it is appropriate to propose certain additional guarantees to protect the progress made in Sweden; whereas it is therefore appropriate to amend this Decision to give the same guarantee to Sweden;

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 93/42/EEC is replaced by the Annex to this Decision.

Article 2

The second line in the Annex to Decision 95/109/EC is deleted.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ L 109, 25. 4. 1997, p. 1.

⁽³⁾ OJ L 59, 17. 3. 1997, p. 33.

⁽⁴⁾ OJ L 79, 7. 4. 1995, p. 32.

⁽⁵⁾ OJ L 16, 25. 1. 1993, p. 50.

⁽⁶⁾ OJ L 371, 31. 12. 1994, p. 27.

ANNEX

Member State	Region
Denmark	All regions
Finland	All regions
Sweden	All regions

CORRIGENDA

Corrigendum to Commission Decision 98/144/EC of 3 February 1998 amending Commission Decision 88/566/EEC listing the products referred to in the second subparagraph of Article 3(1) of Council Regulation (EEC) No 1898/87 as a result of the accession of Austria, Finland and Sweden

(Official Journal of the European Communities L 42 of 14 February 1998)

On page 62, in the Annex:

in point 1:

for: 'Magarinstreichkäse',
read: 'Margarinstreichkäse';

and in point 2, under 'X':

for: 'Magarinost',
read: 'Margarinost'.
