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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1804/98
of 14 August 1998**

establishing an autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 and introducing a tariff rate quota on imports of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the United States of America has decided to impose a safeguard measure in the form of a quantitative restriction on imports of wheat gluten from, *inter alia*, the Community as from 1 June 1998;

Whereas this measure is causing considerable injury to the Community producers concerned and calls into question the balance of concessions and obligations resulting from the WTO Agreements; whereas the quota will significantly limit Community exports of wheat gluten to the United States of America with a loss to Community exports of at least ECU 13,65 million per year;

Whereas the consultations which were held between the United States of America and the Community in accordance with Article 12 of the WTO Agreement on Safeguards did not reach any satisfactory solution;

Whereas, in accordance with Article 8(2) of the WTO Agreement on Safeguards, any affected exporting Member has the right to suspend the application of substantially equivalent concessions or other obligations, provided the Council for Trade in Goods does not disapprove;

Whereas the suspension of substantially equivalent trade concessions should be applied with respect to the same sector; whereas residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 are agricultural products;

Whereas the imposition of a tariff quota at a duty rate of ECU 5/MT on 2 730 000 tonnes of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America imported each year into the Community represents a substantially equivalent trade concession; whereas an autonomous duty should be established to ensure respect of the quota;

Whereas the Community provided written notice of such suspension to the Council for Trade in Goods on 29 July 1998; whereas the Council for Trade in Goods has not disagreed within the 30 days provided for under Article 8(2) of the WTO Agreement on Safeguards;

Whereas this Regulation is without prejudice to the compatibility of the safeguard measure applied by the United States of America with the WTO Agreements; whereas in accordance with Articles 8(2) and 8(3) of the WTO Agreement on Safeguards, the suspension should apply from 1 June 2001 until the United States of America's safeguard measure is lifted; whereas the suspension should apply immediately on a decision from the WTO Dispute Settlement Body that the United States of America's safeguard action is incompatible with the WTO Agreements;

Whereas this Regulation should be reviewed in the light of developments, notably as regards the market for wheat gluten in the United States of America;

Whereas detailed rules for the application of this Regulation should be adopted pursuant to Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The autonomous duty applicable for residues from the manufacture of starch from maize falling within CN codes 2303 10 19 and 2309 90 20 is set at ECU 50/mt.
2. Residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America shall not be subject to the conventional duty rate.

Article 2

1. An annual tariff quota, from 1 June to 31 May, for the import of the 2 730 000 tonnes of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America is hereby opened.
2. The rate of duty applicable within the quota shall be ECU 5/mt.

Article 3

The free circulation of the products referred to in Article 1 may be subject to presentation of proof of their origin.

Article 4

The Commission shall, in accordance with the procedure referred to in Article 5, adopt the rules necessary to suspend the rate of duty to 'free' as soon as the 2 730 000

tonnes of residues from the manufacture of starch from maize (corn gluten feed) falling within CN codes 2303 10 19 and 2309 90 20 originating in the United States of America are imported.

Article 5

The Commission shall adopt any necessary detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 6

Any necessary modifications to this Regulation shall be adopted in accordance with the procedure referred to in Article 5.

Article 7

1. This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.
2. This Regulation shall be applicable from:
 - 1 June 2001, or
 - five days after the date of a decision from the WTO Dispute Settlement Body that the safeguard measure imposed by the United States of America is incompatible with the WTO Agreements,whichever is earlier, and until the United States of America's safeguard measure is lifted. In this latter event, the Commission shall publish in the *Official Journal of the European Communities* a notice giving the date of the decision of the WTO Dispute Settlement Body.

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

Done at Brussels, 14 August 1998.

For the Council
The President
W. SCHÜSSEL

COMMISSION REGULATION (EC) No 1805/98
of 19 August 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 1498/98 ⁽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 20 August 1998.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 19 August 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	060	56,6
	999	56,6
0709 90 70	052	27,3
	999	27,3
0805 30 10	382	59,4
	388	70,1
	524	55,9
	528	64,5
	999	62,5
0806 10 10	052	88,3
	600	62,5
	624	152,5
	999	101,1
0808 10 20, 0808 10 50, 0808 10 90	388	62,0
	400	74,9
	508	97,0
	512	64,2
	524	81,9
	528	81,6
	804	83,1
	999	77,8
0808 20 50	052	92,6
	388	53,2
	528	106,0
	999	83,9
0809 30 10, 0809 30 90	052	116,2
	400	124,4
	999	120,3
0809 40 05	052	73,9
	060	59,9
	064	67,2
	066	70,9
	093	65,9
	624	191,4
	999	88,2

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

COMMISSION REGULATION (EC) No 1806/98**of 19 August 1998****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1148/98⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market;

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 August 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,90	0,06	—
1703 90 00 ⁽¹⁾	8,27	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1807/98
of 19 August 1998

fixing the maximum export refund for white sugar for the third partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5)(b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1574/98 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the third partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the third partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 47,600 per 100 kilograms.

Article 2

This Regulation shall enter into force on 20 August 1998.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 1808/98**of 19 August 1998****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their

sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as last amended by Regulation (EC) No 150/95 ⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁸⁾, as last amended by Regulation (EC) No 961/98 ⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 August 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 135, 8. 5. 1998, p. 5.

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

Done at Brussels, 19 August 1998.

For the Commission
Karel VAN MIERT
Member of the Commission

ANNEX

to the Commission Regulation of 19 August 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	40,29 ⁽¹⁾
1701 11 90 9910	39,41 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,29 ⁽¹⁾
1701 12 90 9910	39,41 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4380
	— ECU/100 kg —
1701 99 10 9100	43,80
1701 99 10 9910	44,56
1701 99 10 9950	44,56
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4380

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

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

COMMISSION REGULATION (EC) No 1809/98
of 19 August 1998
amending for the 15th time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 1650/98 ⁽⁴⁾, to introduce exceptional support measures for the pigmeat market in that Member State;

Whereas, because the veterinary and trade restrictions continue to apply, the number of piglets and pigs for fattening which may be delivered to the competent

authorities should be increased so that the exceptional measures can continue from 17 August 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 913/97 is replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 17 August 1998.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 210, 28. 7. 1998, p. 73.

*ANNEX**'ANNEX I*

Total maximum number of animals from 6 May 1997:

Pigs for fattening	695 000 head
Piglets	450 000 head
Cull sows	11 000 head
Pigs of the Iberian breed for fattening	9 000 head'

COMMISSION REGULATION (EC) No 1810/98
of 19 August 1998

fixing, for July 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector and repealing Regulation (EC) No 1546/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1148/98⁽²⁾,

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector⁽⁵⁾, as last amended by Regulation (EC) No 59/97⁽⁶⁾, and in particular Article 1(3) thereof,

Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

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

Done at Brussels, 19 August 1998.

Whereas application of these provisions will lead to the fixing, for July 1998, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation;

Whereas Commission Regulation (EC) No 1546/98⁽⁷⁾ fixed erroneously the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector for July 1998; whereas the mistake is obvious; whereas Regulation (EC) No 1546/98 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for July 1998 shall be as indicated in the Annex hereto.

Article 2

Regulation (EC) No 1546/98 is hereby repealed.

Article 3

This Regulation shall enter into force on 20 August 1998.

It shall apply with effect from 1 July 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ L 14, 17. 1. 1997, p. 25.

⁽⁷⁾ OJ L 202, 18. 7. 1998, p. 21.

ANNEX

to the Commission Regulation of 19 August 1998 fixing, for July 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,56225	Danish kroner
	1,98391	German marks
	345,664	Greek drachmas
	168,336	Spanish pesetas
	6,68769	French francs
	0,796521	Irish pound
1 973,93		Italian lire
	2,23593	Dutch guilders
	13,9576	Austrian schillings
	203,183	Portuguese escudos
	6,02811	Finnish marks
	8,79309	Swedish kroner
	0,677353	Pound sterling

COMMISSION REGULATION (EC) No 1811/98
of 18 August 1998
establishing unit values for the determination of the customs value of certain
perishable goods

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1677/98 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 August 1998.

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

Done at Brussels, 18 August 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 212, 30. 7. 1998, p. 18.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	31,78 190,25 283,54	440,26 209,76 1 290,35	62,57 24,95 21,51	238,27 61 726,29	10 490,29 70,56	5 309,33 6 404,11
1.30	Onions (other than seed) 0703 10 19	a) b) c)	28,38 169,90 253,21	393,16 187,32 1 152,30	55,88 22,28 19,21	212,78 55 122,47	9 367,98 63,01	4 741,30 5 718,97
1.40	Garlic 0703 20 00	a) b) c)	85,35 510,95 761,50	1 182,40 563,34 3 465,43	168,05 67,01 57,77	639,91 165 775,30	28 173,27 189,49	14 259,00 17 199,22
1.50	Leeks ex 0703 90 00	a) b) c)	39,59 237,01 353,22	548,46 261,31 1 607,46	77,95 31,08 26,80	296,82 76 895,66	13 068,30 87,89	6 614,10 7 977,94
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 454,02 676,65	1 050,65 500,57 3 079,30	149,32 59,54 51,33	568,61 147 304,03	25 034,10 168,37	12 670,21 15 282,82
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 357,34 532,56	826,92 393,98 2 423,57	117,53 46,86 40,40	447,52 115 935,89	19 703,13 132,52	9 972,11 12 028,37
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	142,62 853,80 1 272,46	1 975,79 941,35 5 790,74	280,81 111,97 96,54	1 069,28 277 010,83	47 077,58 316,63	23 826,81 28 739,93
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 634,27 945,29	1 467,78 699,31 4 301,85	208,61 83,18 71,72	794,35 205 786,68	34 973,14 235,22	17 700,54 21 350,41
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	57,59 344,77 513,82	797,82 380,12 2 338,30	113,39 45,21 38,98	431,78 111 857,06	19 009,94 127,86	9 621,27 11 605,19
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 913,97 1 362,13	2 115,01 1 007,68 6 198,80	300,60 119,86 103,34	1 144,63 296 530,94	50 394,99 338,95	25 505,81 30 765,14
1.120	Endives ex 0705 29 00	a) b) c)	21,82 130,63 194,68	302,28 144,02 885,95	42,96 17,13 14,77	163,59 42 380,99	7 202,59 48,44	3 645,36 4 397,04
1.130	Carrots ex 0706 10 00	a) b) c)	42,68 255,51 380,79	591,27 281,70 1 732,92	84,03 33,51 28,89	319,99 82 897,36	14 088,28 94,75	7 130,33 8 600,62
1.140	Radishes ex 0706 90 90	a) b) c)	173,89 1 041,00 1 551,46	2 408,99 1 147,74 7 060,39	342,38 136,51 117,70	1 303,73 337 746,55	57 399,52 386,06	29 050,93 35 041,27
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	281,53 1 685,39 2 511,83	3 900,18 1 858,21 11 430,85	554,31 221,02 190,56	2 110,75 546 815,72	92 930,52 625,03	47 033,81 56 732,24

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	97,80 585,48 872,58	1 354,87 645,52 3 970,93	192,56 76,78 66,20	733,25 189 956,94	32 282,90 217,13	16 338,96 19 708,07
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	81,22 486,23 724,65	1 125,18 536,08 3 297,74	159,92 63,76 54,98	608,94 157 753,61	26 809,99 180,32	13 569,02 16 366,97
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 944,32 1 407,37	2 185,25 1 041,15 6 404,65	310,58 123,84 106,77	1 182,65 306 378,40	52 068,55 350,20	26 352,83 31 786,82
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	529,93 3 172,45 4 728,07	7 341,39 3 497,74 21 516,54	1 043,40 416,03 358,70	3 973,12 1 029 283,04	174 925,12 1 176,51	88 532,76 106 788,31
1.200.2	— other ex 0709 20 00	a) b) c)	208,81 1 250,05 1 863,02	2 892,75 1 378,23 8 478,23	411,13 163,93 141,34	1 565,54 405 571,66	68 926,30 463,58	34 884,84 42 078,14
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	71,48 427,92 637,75	990,25 471,80 2 902,27	140,74 56,12 48,38	535,92 138 835,60	23 594,90 158,69	11 941,81 14 404,22
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	38,40 229,88 342,61	531,97 253,45 1 559,14	75,61 30,15 25,99	287,90 74 584,32	12 675,49 85,25	6 415,30 7 738,14
1.230	Chantarelles 0709 51 30	a) b) c)	420,58 2 517,82 3 752,44	5 826,51 2 775,99 17 076,64	828,09 330,18 284,68	3 153,27 816 892,53	138 829,67 933,74	70 264,20 84 752,76
1.240	Sweet peppers 0709 60 10	a) b) c)	70,41 421,51 628,20	975,42 464,73 2 858,83	138,63 55,28 47,66	527,89 136 757,34	23 241,71 156,32	11 763,05 14 188,60
1.250	Fennel 0709 90 50	a) b) c)	73,55 440,31 656,22	1 018,92 485,46 2 986,32	144,81 57,74 49,78	551,44 142 856,16	24 278,19 163,29	12 287,63 14 821,35
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	114,72 686,78 1 023,54	1 589,27 757,20 4 657,93	225,88 90,06 77,65	860,11 222 820,66	37 868,04 254,69	19 165,70 23 117,69
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	140,29 839,85 1 251,68	1 943,51 925,97 5 696,14	276,22 110,14 94,96	1 051,82 272 485,27	46 308,47 311,46	23 437,55 28 270,40
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	97,01 580,76 865,53	1 343,93 640,30 3 938,86	191,01 76,16 65,66	727,33 188 422,52	32 022,13 215,37	16 206,98 19 548,87

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	68,07 407,50 607,32	943,01 449,29 2 763,82	134,03 53,44 46,08	510,35 132 212,36	22 469,29 151,12	11 372,11 13 717,06
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	93,95 562,44 838,23	1 301,54 620,11 3 814,61	184,98 73,76 63,59	704,38 182 479,08	31 012,05 208,58	15 695,76 18 932,24
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	40,93 245,03 365,18	567,02 270,15 1 661,86	80,59 32,13 27,70	306,87 79 498,34	13 510,62 90,87	6 837,97 8 247,97
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	43,92 262,93 391,86	608,45 289,89 1 783,27	86,48 34,48 29,73	329,29 85 305,82	14 497,60 97,51	7 337,49 8 850,49
2.60.3	— Others 0805 10 50	a) b) c)	46,07 275,80 411,04	638,23 304,08 1 870,56	90,71 36,17 31,18	345,41 89 481,76	15 207,29 102,28	7 696,68 9 283,75
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	77,90 466,35 695,03	1 079,19 514,17 3 162,94	153,38 61,16 52,73	584,05 151 305,17	25 714,09 172,95	13 014,36 15 697,94
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	44,72 267,72 398,99	619,53 295,17 1 815,75	88,05 35,11 30,27	335,29 86 859,66	14 761,67 99,28	7 471,15 9 011,71
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	49,11 294,00 438,16	680,35 324,15 1 993,99	96,69 38,55 33,24	368,20 95 386,35	16 210,77 109,03	8 204,56 9 896,35
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	61,01 365,24 544,33	845,20 402,69 2 477,16	120,12 47,90 41,30	457,42 118 499,72	20 138,85 135,45	10 192,64 12 294,37
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	125,44 750,95 1 119,18	1 737,78 827,95 5 093,19	246,98 98,48 84,91	940,48 243 642,11	41 406,62 278,49	20 956,63 25 277,92
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	27,70 165,83 247,14	383,74 182,83 1 124,69	54,54 21,75 18,75	207,68 53 801,71	9 143,52 61,50	4 627,70 5 581,94
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	61,60 368,77 549,60	853,38 406,58 2 501,12	121,29 48,36 41,70	461,84 119 645,68	20 333,61 136,76	10 291,20 12 413,26
2.100	Table grapes ex 0806 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	18,94 113,39 168,98	262,39 125,01 769,01	37,29 14,87 12,82	142,00 36 787,16	6 251,92 42,05	3 164,21 3 816,68
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	54,28 324,95 484,29	751,97 358,27 2 203,91	106,87 42,61 36,74	406,96 105 428,04	17 917,34 120,51	9 068,29 10 938,18
2.120.2	— other ex 0807 19 00	a) b) c)	120,67 722,40 1 076,62	1 671,70 796,47 4 899,52	237,59 94,73 81,68	904,72 234 377,34	39 832,08 267,90	20 159,73 24 316,69
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	152,83 914,92 1 363,56	2 117,23 1 008,74 6 205,30	300,91 119,98 103,45	1 145,83 296 841,71	50 447,81 339,30	25 532,54 30 797,38
2.205	Raspberries 0810 20 10	a) b) c)	341,59 2 044,95 3 047,69	4 732,22 2 254,63 13 869,44	672,57 268,17 231,22	2 561,05 663 470,26	112 755,78 758,37	57 067,73 68 835,17
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	218,02 1 305,19 1 945,19	3020,34 1 439,02 8 852,18	429,27 171,16 147,57	1 634,59 423 460,25	71 966,44 484,03	36 423,51 43 934,08
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	127,19 761,43 1 134,80	1 762,03 839,50 5 164,24	250,43 99,85 86,09	953,60 247 041,14	41 984,27 282,38	21 249,00 25 630,57

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	156,12	2 162,81	307,39	1 170,50	51 533,81	26 082,19
		b)	934,62	1 030,45	122,56	303 231,88	346,61	31 460,37
		c)	1 392,91	6 338,88	105,67			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	306,47	4 245,68	603,42	2 297,74	101 162,99	51 200,41
		b)	1 834,70	2 022,82	240,60	595 256,68	680,40	61 758,00
		c)	2 734,34	12 443,48	207,44			
2.250	Lychees ex 0810 90 30	a)	262,86	3 641,53	517,55	1 970,78	86 767,72	43 914,71
		b)	1 573,62	1 734,98	206,36	510 552,98	583,58	52 969,97
		c)	2 345,25	10 672,80	177,92			

COMMISSION REGULATION (EC) No 1812/98
of 19 August 1998
fixing the import duties in the rice sector

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 organisation of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1403/97 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 20 August 1998.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

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 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

Import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	⁽⁷⁾	83,41	121,01		188,03
1006 10 23	⁽⁷⁾	83,41	121,01		188,03
1006 10 25	⁽⁷⁾	83,41	121,01		188,03
1006 10 27	⁽⁷⁾	83,41	121,01		188,03
1006 10 92	⁽⁷⁾	83,41	121,01		188,03
1006 10 94	⁽⁷⁾	83,41	121,01		188,03
1006 10 96	⁽⁷⁾	83,41	121,01		188,03
1006 10 98	⁽⁷⁾	83,41	121,01		188,03
1006 20 11	285,60	95,62	138,46		214,20
1006 20 13	285,60	95,62	138,46		214,20
1006 20 15	285,60	95,62	138,46		214,20
1006 20 17	279,77	93,58	135,55	29,77	209,83
1006 20 92	285,60	95,62	138,46		214,20
1006 20 94	285,60	95,62	138,46		214,20
1006 20 96	285,60	95,62	138,46		214,20
1006 20 98	279,77	93,58	135,55	29,77	209,83
1006 30 21	⁽⁷⁾	160,51	232,09		370,50
1006 30 23	⁽⁷⁾	160,51	232,09		370,50
1006 30 25	⁽⁷⁾	160,51	232,09		370,50
1006 30 27	⁽⁷⁾	160,51	232,09		370,50
1006 30 42	⁽⁷⁾	160,51	232,09		370,50
1006 30 44	⁽⁷⁾	160,51	232,09		370,50
1006 30 46	⁽⁷⁾	160,51	232,09		370,50
1006 30 48	⁽⁷⁾	160,51	232,09		370,50
1006 30 61	⁽⁷⁾	160,51	232,09		370,50
1006 30 63	⁽⁷⁾	160,51	232,09		370,50
1006 30 65	⁽⁷⁾	160,51	232,09		370,50
1006 30 67	⁽⁷⁾	160,51	232,09		370,50
1006 30 92	⁽⁷⁾	160,51	232,09		370,50
1006 30 94	⁽⁷⁾	160,51	232,09		370,50
1006 30 96	⁽⁷⁾	160,51	232,09		370,50
1006 30 98	⁽⁷⁾	160,51	232,09		370,50
1006 40 00	⁽⁷⁾	49,58	72,38		114,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	279,77	494,00	285,60	494,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	334,84	354,40	356,33	402,01	—
(b) fob price (ECU/tonne)	—	—	—	328,92	374,60	—
(c) Sea freight (ECU/tonne)	—	—	—	27,41	27,41	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1813/98**of 19 August 1998****altering the corrective amount applicable to the refund on cereals**

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

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1784/98 ⁽³⁾;

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

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

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

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 961/98 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 August 1998.

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

Done at Brussels, 19 August 1998.

For the Commission

Karel VAN MIERT

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 227, 14. 8. 1998, p. 11.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 19 August 1998 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-4,50	-7,50	-9,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	-5,00	-10,00	-10,00	—	—
1101 00 15 9130	01	0	0	-5,00	-10,00	-10,00	—	—
1101 00 15 9150	01	0	0	-4,00	-9,00	-10,00	—	—
1101 00 15 9170	01	0	0	-4,00	-9,00	-10,00	—	—
1101 00 15 9180	01	0	0	-4,00	-9,00	-10,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 July 1998

on a procedure relating to the application of Council Regulation (EEC)
No 2408/92

(Case VII/AMA/10/97 — Access to Karlstad airport)

(notified under document number C(1998) 2009)

(Only the Swedish text is authentic)

(Text with EEA relevance)

(98/523/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden and in particular Article 8(3) thereof,

After consulting the Advisory Committee established under Article 11 of that Regulation,

Whereas:

authorities of 15 November 1994 to prohibit the operation of certain aircraft at the new Karlstad airport, alleging that the decision is contrary to Community law and, in particular, Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) ⁽²⁾, as amended by Directive 98/20/EC ⁽³⁾. Such aeroplanes are hereinafter referred to as 'Chapter 2 aircraft'. SAS argues that the Swedish decision negatively affects its operations on the routes Karlstad-Stockholm and Karlstad-Copenhagen, and requests the Commission to initiate proceedings against Sweden with a view to ending the alleged infringement of Community law.

BACKGROUND

- (1) This Decision is concerned with certain noise-related restrictions affecting air carriers' access to the new Karlstad airport in Sweden.
- (2) By letter of 23 January 1997, Scandinavian Airlines System (SAS) lodged a complaint with the Commission against the decision of the Swedish

- (3) The new Karlstad airport was officially opened for traffic on 7 September 1997. It is located near Mellerudstorp in a sparsely populated area some 12 kilometres north-east of the city centre. At the same time, the old Karlstad airport, which was located three kilometres south of the city centre, was closed down, notably for safety and environmental reasons.

⁽¹⁾ OJ L 240, 24. 8. 1992, p. 8.

⁽²⁾ OJ L 76, 23. 3. 1992, p. 21.

⁽³⁾ OJ L 107, 7. 4. 1998, p. 4.

- (4) Under the Swedish Environmental Protection Act, the construction and operation of the new Karlstad airport was subject to an environmental authorisation, which was granted by the National Licensing Board for Environmental Protection on 15 November 1994 and subsequently published in six Swedish daily newspapers. That Decision became legally effective on 29 June 1995. It covers a traffic volume of up to 30 000 movements per year with a mix of different types of aircraft, including MD80, SF 340, Saab 340, Saab 200, Cessna 500 and Beech 1900, and includes the following conditions intended to limit the level of aircraft noise around the airport:
- scheduled air services may not be operated with aircraft which do not comply with the requirements of Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation (hereinafter referred to as 'Chapter 3 aircraft'),
 - a maximum of 260 non-scheduled air services per year may be operated with aircraft not complying with the requirements of the above-mentioned Chapter 3 of the Convention on International Civil Aviation until the end of the year 2001,
 - take-offs between 22.00 and 07.00 hours are only allowed with Chapter 3 aircraft; however, in exceptional cases, the airport may grant a waiver from this requirement.
- (5) The Decision also includes other elements which are designed to improve the noise situation around the new Karlstad airport without, however, making any distinction between Chapter 2 and Chapter 3 aircraft. Thus, authorised noise levels may in total not exceed the levels indicated in the airport's application for the authorisation for the year 2000, and at least 90 % of all traffic at an altitude lower than 750 metres must be operated within specific geographical limits indicated in two annexes to the authorisation. Moreover, the homes of permanent residents in the vicinity of the airport who are repeatedly exposed to noise levels above 80 dB(A) are to benefit from noise abatement measures ensuring that the noise levels do not exceed 45 dB(A), provided that the implementation of such measures is economically feasible.
- (6) It is the first of those conditions to which SAS objected in its complaint of January 1997. In this context, it should be noted that SAS is presently the only air carrier providing scheduled air services to Karlstad (42 return flights per week from Stockholm and 20 return flights per week from Copenhagen). All those services are, in accordance with the Decision of 15 November 1994, presently operated with Chapter 3 aircraft.
- (7) At two meetings on 17 March and 18 June 1997, the Commission discussed the issues raised in the complaint of SAS with the Swedish authorities and asked them for further information on the situation at the new Karlstad airport. The Swedish authorities provided the Commission with the requested information by letters of 17 June and 29 July 1997, indicating that they intended to maintain the Decision of 15 November 1994, which they considered compatible with Community law.
- (8) By letter of 20 August 1997, the Commission formally transmitted a copy of the complaint of SAS to the Swedish authorities and summarised the reasons why it had doubts about the compatibility of the Decision of 15 November 1994 with Directive 92/14/EEC and with Regulation (EEC) No 2408/92, in particular Article 8(2) thereof. As far as the application of that latter provision is concerned, the letter explicitly recalled that the Commission has the decision-making powers contained in Article 8(3), and invited the Swedish authorities to provide the Commission with all information necessary for a final assessment of the case.
- (9) The Swedish authorities replied to the Commission by letter of 2 October 1997, providing full copies of the Swedish Environmental Protection Act and the Decision of 15 November 1994, which has been summarised above. Moreover, the letter set out, *inter alia*, the following arguments in support of the legality of that Decision:
- the construction of a new airport in Karlstad was motivated primarily by environmental considerations, since there was wide agreement in Sweden that the old airport had to be closed because of its proximity to the city centre,
 - the Decision prohibiting the operation of Chapter 2 aircraft at the new Karlstad airport was taken on 15 November 1994 and, thus, at a time when Sweden had not yet joined the European Union,
 - the exclusion of Chapter 2 aircraft was a condition for the construction and operation of the new Karlstad airport. If that condition were not honoured, the airport would have to be closed down altogether. Such a condition cannot be considered to constitute regulation of air traffic in accordance with Regulation (EEC) No 2408/92. Moreover, the Decision of 15 November 1994 provides for a limited exemption from the exclusion of Chapter 2 aircraft in favour of non-scheduled air services,
 - local or regional measures excluding Chapter 2 aircraft from an airport do not breach Directive 92/14/EEC, or Regulation (EEC) No 2408/92. Moreover, in the case of the new Karlstad

airport, the exclusion of Chapter 2 aircraft meets the requirements set out in Article 9 of the Regulation.

- (10) In a letter of 13 October 1997, SAS contested the arguments put forward by the Swedish authorities in their reply to the Commission and, in particular, pointed out that, as a result of the Decision of 15 November 1994, it was obliged to reduce its capacity at the new Karlstad airport and to redeploy its Chapter 2 aircraft to other Community airports.
- (11) On 3 November 1997, a further meeting took place between the Swedish authorities and the Commission to discuss the case.

LEGAL ASSESSMENT

- (12) Regulation (EEC) No 2408/92 lays down the rules on access for Community air carriers to intra-Community air routes. Article 3(1) lays down the general principle that:

‘subject to this Regulation, Community air carriers shall be permitted by the Member State(s) concerned to exercise traffic rights on routes within the Community’.

- (13) Article 2(f) defines the term ‘traffic right’ as ‘the right of an air carrier to carry passengers, cargo and/or mail on an air service between two Community airports’. It follows from Article 1 that, in general, that right covers both scheduled and non-scheduled air services. The Commission therefore takes the view that, subject to any limitations imposed by or in accordance with that Regulation, Community air carriers are free to operate scheduled and non-scheduled air services between the new Karlstad airport and other airports in the Community.

- (14) One of the provisions of the Regulation to which Article 3(1) refers is Article 8(2) which provides that:

‘the exercise of traffic rights shall be subject to published Community, national, regional or local operational rules relating to safety, the protection of the environment and the allocation of slots’.

- (15) The Decision of 15 November 1994, which is the subject of the complaint of SAS, was taken by the National Licensing Board for Environmental Protection under the Swedish Environmental Protection Act. The Decision was intended to address, as the Swedish authorities explicitly acknowledged in their submissions to the Commission, environmental issues raised by the construction and operation of the new Karlstad airport.
- (16) Moreover, the Decision of 15 November 1994 requires all scheduled and the vast majority of non-

scheduled air services to and from the new Karlstad airport to be operated with Chapter 3 aircraft. Exemptions can be granted for no more than 260 non-scheduled air services per year, but not beyond the year 2001. The Decision is therefore liable to affect actual and potential exercise of traffic rights by Community air carriers to and from the airport under Article 3(1) of Regulation (EEC) No 2408/92. An actual effect has already been shown on the operations of SAS on the routes Karlstad-Stockholm and Karlstad-Copenhagen which, according to the information provided by the air carrier, had to be reduced and carried out with aircraft other than the ones initially attributed to those routes as a result of the decision. Hence, the Commission cannot accept the argument of the Swedish authorities that, since the Decision of 15 November 1994 was addressed to the airport, it is not a measure regulating the exercise of traffic rights within the meaning of that Regulation. In fact, the Swedish authorities acknowledged themselves that their Decision affected not only the construction but also the operation of the new Karlstad airport.

- (17) Consequently, the Decision of the Swedish authorities of 15 November 1994 constitutes an operational rule relating to the protection of the environment for the purposes of Article 8(2) of the Regulation (EEC) No 2408/92.

- (18) As regards operational rules falling within the scope of Article 8(2) of that Regulation, the Commission is vested with the powers conferred upon it by paragraph 3 of that Article, the first sentence of which reads as follows:

‘At the request of a Member State or on its own initiative the Commission shall examine the application of paragraphs 1 and 2 and, within one month of receipt of a request and after consulting the Committee referred to in Article 11, decide whether the Member State may continue to apply the measure.’

- (19) In view of the complaint of SAS, the Commission considers it necessary to make use of those powers to examine the Decision of the Swedish authorities of 15 November 1994 and to decide whether Sweden may continue to apply that Decision in so far as it restricts the operation at the new Karlstad airport of Chapter 2 aircraft, as opposed to Chapter 3 aircraft. The Commission does so on its own initiative, as explicitly provided for in Article 8(3) of Regulation (EEC) No 2408/92, and its examination is not in any way limited to the complaint and the situation of SAS.

- (20) The fact that the Decision was adopted by the Swedish authorities on 15 November 1994 and, thus, prior to Sweden's accession to the Community does not affect the Commission's powers to examine the Decision. Member States are in fact obliged to comply with Community law from the first day of their accession to the Community, with the exception of those areas where they benefit from any derogations by virtue of their respective Acts of Accession. Sweden has not, however, been granted any such derogation which could possibly be applicable in the case in hand.
- (21) Moreover, it should be recalled that the Swedish authorities were already bound by the rules of Regulation (EEC) No 2408/92 when they adopted their Decision of 15 November 1994 since, by virtue of Decision No 7/94 of the EEA Joint Committee of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement⁽¹⁾, that Regulation and Directive 92/14/EEC were included in the scope of the EEA Agreement, to which Sweden was a contracting party prior to its accession to the Community, with effect from 1 July 1994⁽²⁾.
- (22) Article 8(2) of Regulation (EEC) No 2408/92 requires the publication of the operational rules to which the exercise of traffic rights granted under Article 3(1) is subject. The Swedish authorities published their Decision of 15 November 1994 in six Swedish daily newspapers. Since Article 8(2) of the said Regulation does not prescribe a particular method for the publication of operational rules adopted by the authorities of Member States, the Commission can accept the one chosen by the Swedish authorities in the case at hand.
- (23) Moreover, the Commission, when using the powers conferred upon it by Article 8(3) of Regulation (EEC) No 2408/92, must ensure that any measures taken by Member States' authorities are not contrary to other provisions of Community law. The Commission must therefore, in the context of its examination of operational rules under that Article, verify that those rules are compatible with the specific provisions of the Treaty, notably Title IV on the common transport policy, including any secondary legislation adopted under that Title. In this context, it should be recalled that the Court of Justice of the European Communities has followed the same reasoning in relation to the State aid procedure provided for in Articles 92 and 93 of the Treaty, stating that it is clear from the general scheme of the Treaty that that procedure must never produce a result which is contrary to any specific provisions of the Treaty⁽³⁾.
- (24) In addition, as the Commission has already indicated in relation to national measures adopted under Article 8(1) of Regulation (EEC) No 2408/92 (see, in particular, Commission Decision 95/259/EC of 14 March 1995 — French traffic distribution rules for the airport system of Paris⁽⁴⁾), any restrictions adopted under that provision must comply with the general principles governing the freedom to provide services as spelled out in the case-law of the Court of Justice⁽⁵⁾. Those principles go beyond the mere prohibition of any discrimination on grounds of nationality. Even if national measures restricting the freedom to provide services apply without distinction to national providers of services and to those of other Member States, they are still unacceptable if they are not warranted by mandatory requirements in the public interest, or if the same result can be obtained by less restrictive rules (the proportionality principle). The Commission considers that the same reasoning must be applied, *mutatis mutandis*, to any operational rules applied by Member States' authorities under Article 8(2) of that Regulation.
- (25) The Decision of the Swedish authorities of 15 November 1994 must therefore also be reviewed in the light of those considerations.
- (26) In the case at hand, it is necessary to examine whether the Swedish authorities' Decision of 15 November 1994 is compatible with their obligations under Directive 92/14/EEC.
- (27) Article 2 of that Directive reads as follows:
- '1. Member States shall ensure that, as from 1 April 1995, civil subsonic jet aeroplanes fitted with engines having a by-pass ratio of less than two cannot operate at airports situated in their territory unless granted noise certification either:
- (a) to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988); or
 - (b) to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16 to the aforesaid Convention, provided that they were first issued an individual certificate of airworthiness less than 25 years previously.

⁽¹⁾ OJ L 160, 28. 6. 1994, p. 1.

⁽²⁾ OJ C 208, 28. 7. 1994, p. 7.

⁽³⁾ Case 73/79 Commission v. Italy (1980) ECR 1533 and Case C-225/91 Matra v. Commission (1993) ECR I-3206.

⁽⁴⁾ OJ L 162, 13. 7. 1995, p. 25.

⁽⁵⁾ Cases C-288/89 Mediawet (1991) ECR 4007 and C-76/90 Säger v. Dennemeyer (1991) ECR 4221.

2. Member States shall ensure that, as from 1 April 2002, all civil subsonic jet aeroplanes operating from airports situated in their territory comply with the provisions of paragraph 1(a).

3. The territory referred to in paragraphs 1 and 2 shall not include the overseas departments referred to in Article 227(2) of the Treaty.'

(28) The Directive then lists a limited number of exemptions from the provisions of Article 2(1), allowing the continued operation at Community airports of certain aeroplanes from developing nations (Article 3), aeroplanes which will soon be converted into or replaced by Chapter 3 aircraft (Article 5(1) and Article 6) and aeroplanes of historic interest (Article 5(2)). Moreover, Member States may grant temporary exemptions from the provisions of Article 2(1) of the Directive on certain well defined economic grounds (Articles 4 and 7) and in other exceptional cases (Article 8). Finally, Article 9 of the Directive requires any Member State to recognise the exemptions granted by another Member State in respect of aeroplanes on the register of the latter.

(29) By laying down precise rules for the gradual phasing-out of Chapter 2 aircraft within the Community over the years 1995 to 2002, Article 2 of the Directive is a measure of total harmonisation which does not allow Member States to require an accelerated withdrawal of those aircraft or to continue, outside the exceptions explicitly mentioned in the Directive, to authorise operations at their airports with aircraft which, under that Article, should have been withdrawn.

(30) In fact, Article 2 is intended to strike a balance between the need for a further reduction of aircraft noise and the legitimate economic interests of the operators and, at the same time, to ensure that competition within the Community's internal air transport market is not distorted by the introduction of different noise abatement regimes by different Member States. Those objectives are explicitly referred to in the sixth and seventh recitals in the preamble to the Directive, which state that '*common rules. ... should be introduced on a reasonable time-scale to ensure a harmonised approach throughout the Community*', that such a harmonised approach '*is particularly important in view of the recent trend towards progressive liberalization of European air traffic*' and that '*aeroplane noise should be further reduced, taking into account environmental factors, technical feasibility and economic consequences*' (emphasis added).

(31) It should further be noted in this context that with regard to Austria only, a derogation was accorded from the rules of the Directive in the EEA Agreement in the following terms (1):

'Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume I of Annex 16 to the Convention on International Civil Aviation, second edition (1988) (OJ L 76, 23.3.1992, p. 21), as corrected by OJ L 168, 23.6.1992, p. 30.

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

Austria may apply more stringent protective national legislation existing at the date of the entry into force of the EEA Agreement, concerning the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume I of Annex 16 to the Convention on International Civil Aviation, second edition (1988) at Austrian airports until 1 April 2002.'

(32) Moreover, by harmonising the rules for the gradual phasing-out of Chapter 2 aircraft within the Community, the Directive also ensures that a Member State does not 'export' any possible noise problems around its airports to other Member States and that such Chapter 2 aircraft are not concentrated at a limited number of airports in the Community.

(33) The recent discussions on the revision of the Directive support this conclusion. Thus, by virtue of Directive 98/20/EC, the Council added the following paragraph to Article 2 of Directive 92/14/EEC, which would not have been necessary if that Article, in its present version, established only minimum rules and allowed Member States to require an accelerated withdrawal of Chapter 2 aircraft:

'4. Before the date referred to in paragraph 2, the operation of civil subsonic jet aeroplanes which do not comply with the provision of paragraph 1(a) may be restricted or excluded at the airports of Berlin Tegel and Berlin Tempelhof.'

(34) Moreover, it should be recalled that Directive 92/14/EEC was adopted by the Council as part of the common transport policy under Article 84(2) of the Treaty, which does not contain a provision such as that in Title XVI (Environment), Article 130t, which indeed allows Member States to maintain or introduce more stringent protective measures.

(1) OJ L 160, 28. 6. 1994, p. 145.

- (35) It follows from the preceding considerations that, since that Directive is a measure of total harmonisation, Member States must allow Chapter 2 aircraft which were first issued an individual certificate of airworthiness less than 25 years ago to operate at their airports until 31 March 2002. Therefore, it is not compatible with the Directive for a Member State not to permit such aircraft to operate at one or more of its airports.
- (36) The Swedish authorities' Decision of 15 November 1994 provides that all scheduled and the vast majority of non-scheduled air services to and from the new Karlstad airport must be operated with Chapter 3 aircraft. Thus, operators of Chapter 2 aircraft are denied access to Karlstad airport for scheduled flights and are seriously restricted for non-scheduled flights, which is not compatible with Directive 92/14/EEC.
- (37) Moreover, even if the infringement of that Directive through those restrictions on Chapter 2 aircraft could be disregarded, those restrictions would still be contrary to the principles of necessity and proportionality, as outlined in paragraph 24. In fact, the new Karlstad airport is located in a sparsely populated area away from the city centre and accounts for a rather low traffic volume. Moreover, the Commission notes that the Swedish authorities' Decision of 15 November 1994 includes, apart from the provisions on Chapter 2 aircraft which have been discussed above, several additional elements which are designed to improve the noise situation around the new Karlstad airport, including an overall noise quota, operational restrictions for take-offs and landings as well as noise abatement measures for homes of permanent residents. The Swedish authorities have not demonstrated to the Commission that, taking into account the location and traffic volume of the airport, those additional measures are insufficient to achieve an adequate level of protection against aircraft noise in its vicinity.
- (38) However, although Directive 92/14/EEC as a measure of total harmonisation requires Member States to permit those aircraft complying with the requirements of Article 2(1)(b) thereof to operate until 1 April 2002, it does not lay down detailed rules which such permission, and consequently any restrictions thereon, must respect. Member States may therefore apply certain restrictive operational measures provided that such measures respect the provisions and procedures of the Regulation (EEC) No 2408/92 and, in the present case, the principles in accordance with which Article 8(2) thereof must be interpreted, as recalled in paragraphs 23 and 24.
- (39) In this context, the Commission notes that the Swedish authorities' Decision of 15 November 1994 further introduces a night curfew for Chapter 2 aircraft between 22.00 and 07.00 hours for the new Karlstad airport. Such a night curfew can be considered a restrictive operational measure within the meaning set out above and, thus, is not excluded by the Directive. Moreover, such a night curfew can, in so far as it is intended to protect the population during the normal sleeping hours from the greater noise emissions of Chapter 2 aircraft, as compared with Chapter 3 aircraft, be regarded as complying with the principles of necessity and proportionality, which have been outlined in paragraph 24.
- (40) In conclusion, the Decision of the Swedish authorities of 15 November 1994 infringes Article 2 of Directive 92/14/EEC and, thus, also Article 8(2) of Regulation (EEC) No 2408/92 in so far as it restricts, outside the night curfew (22.00 to 07.00 hours), the exercise of traffic rights on air routes between the new Karlstad airport and other airports in the Community with Chapter 2 aircraft.
- (41) Finally, it is necessary to address the argument of the Swedish authorities that their Decision of 15 November 1994 can be justified under Article 9 of the Regulation (EEC) No 2408/92.
- (42) On this point, it should be noted that Article 9(3) of that Regulation provides that a Member State may only implement an action adopted under paragraph 1 of that Article if no other Member State concerned nor the Commission has contested that action within one month of receipt of the notification thereof from the first Member State. Such notification to the other Member States and to the Commission must take place at least three months prior to the entry into force of the proposed action. The Swedish authorities did not officially notify their Decision to the Commission three months before its entry into force, nor in fact at any time. Therefore, Article 9 does not apply to the Swedish authorities' Decision of 15 November 1994.
- (43) Moreover, even if the Swedish authorities had notified their Decision to the Commission prior to its entry into force, thus enabling the provisions of Article 9 to be applied, and without any need to examine in depth any other considerations, no approval could have been given thereunder since the Swedish Decision does not have a limited duration not exceeding three years, as required by the second indent of Article 9(2). Furthermore, any measures taken by Member States under Article 9 must, according to paragraph 2 thereof, not be

more restrictive than necessary in order to relieve the problems (the proportionality principle), and, under paragraph 4, be 'appropriate and in conformity with this Regulation and not in any other way contrary to Community law'. It has already been demonstrated in relation to Article 8 of Regulation (EEC) No 2408/92 that the Decision of the Swedish authorities of 15 November 1994 breaches the principle of proportionality as well as the rules of Directive 92/14/EEC.

- (44) Having regard to the foregoing considerations, the Commission concludes that the Decision of the Swedish authorities of 15 November 1994 is contrary to Article 8(2) of Regulation (EEC) No 2408/92 in so far as it restricts, outside the night curfew (22.00 to 07.00 hours), the exercise of traffic rights on air routes between the new Karlstad airport and other airports in the Community with aircraft not complying with the requirements of Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation. The Swedish authorities may not therefore continue to apply the corresponding provisions of their Decision. However, it is necessary to allow the Swedish authorities a period in order to adapt the legal regime governing access to the new Karlstad airport to the consequences of the present Decision. That period should not extend beyond the next scheduling season, ending on 27 March 1999, so that the airlines have legal certainty when planning for the subsequent summer season 1999.
- (45) Since, as stated in paragraph 21, Regulation (EEC) No 2408/92 was included, with effect from 1 July

1994, in the scope of the EEA Agreement, the Commission's Decision cannot be confined to the situation within the Community, but must cover the whole of the European Economic Area,

HAS ADOPTED THIS DECISION:

Article 1

Sweden shall cease to apply the Decision of its National Licensing Board for Environmental Protection of 15 November 1994 in so far as that Decision restricts, outside the night curfew (22.00 to 07.00 hours), the exercise of traffic rights on air routes between the new Karlstad airport and other airports in the European Economic Area with aircraft not complying with the requirements of Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation.

Article 2

Sweden shall comply with this Decision by 27 March 1999 at the latest.

Article 3

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 22 July 1998.

For the Commission

Neil KINNOCK

Member of the Commission

COMMISSION DECISION

of 28 July 1998

amending Decision 94/279/EC on the indicative allocation by Member States of the commitment appropriations from the Structural Funds for the agricultural part of Objective 5a except for those fields covered by Objective 1 as defined in Council Regulation (EEC) No 2052/88 for the period 1994 to 1999

(notified under document number C(1998) 2330)

(Text with EEA relevance)

(98/524/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as last amended by Regulation (EC) No 3193/94 ⁽²⁾, and in particular Article 12(4) thereof,

Whereas, pursuant to Article 12(4) of Council Regulation (EEC) No 2052/88, the indicative allocation of the resources of the Structural Funds which may be committed between 1994 and 1999 for the agricultural part of Objective 5(a) which does not fall under Objective 1 was established by Commission Decision 94/279/EC ⁽³⁾;

Whereas by the abovementioned Decision an amount of ECU 518 million, expressed in 1994 prices, was set aside from the total amount of ECU 5 149 million to ensure in particular that measures implemented before the entry into force of Council Regulation (EEC) No 2081/93 ⁽⁴⁾ are funded; whereas the amount set aside was furthermore intended to take into account the special circumstances which could come up in the context of the examination of financial forecasts to be presented by Member States;

Whereas an amount of ECU 401 million has been used for funding measures implemented before the entry into force of Regulation (EEC) No 2081/93; whereas an amount of ECU 124,619 million, expressed in 1998 prices, from the total amount set aside in 1994, has not yet been allocated;

Whereas by adopting Decision 96/388/EC ⁽⁵⁾, the Commission accepted the United Kingdom's request to withdraw the application of measures under Council

Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products ⁽⁶⁾, recast by Regulation (EC) No 951/97 ⁽⁷⁾, in England from the 1 March 1996; whereas by this Decision commitment appropriations of ECU 182,318 million, expressed in 1998 prices, were released and surrendered to the Funds; whereas, consequently, the commitment appropriations initially allocated to the United Kingdom in 1994 have to be reduced by this amount;

Whereas as a result of the above matter, a remaining sum amounting to ECU 306,937 million, expressed in 1998 prices, is available to be allocated from the Structural Funds for the agricultural part of Objective 5a, outside of Objective 1 and 6 regions;

Whereas in the context of the update of expenditure forecasts for measures under Council Regulation (EC) No 950/97 ⁽⁸⁾ and during the monitoring of the implementation of measures under Regulation (EC) No 951/97 a number of Member States identified financial needs for the implementation of these measures which exceed the initially estimated amounts;

Whereas the requests of these Member States have been examined taking into account in particular three elements: the progress in implementation of the relevant measures within the current programming period, the availability of national co-financing, and the proof of sufficient absorption capacity for the additional financial resources; whereas this examination allowed the identification of the needs for additional financial resources in the concerned Member States;

Whereas Article 6(2) of Regulation (EEC) No 2052/88 in conjunction with Article 26 of Council Regulation (EEC) No 4253/88 ⁽⁹⁾ requires the evaluation of Community

⁽¹⁾ OJ L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ L 337, 24. 12. 1994, p. 1.

⁽³⁾ OJ L 120, 11. 5. 1994, p. 50.

⁽⁴⁾ OJ L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ L 155, 28. 6. 1996, p. 58.

⁽⁶⁾ OJ L 91, 6. 4. 1990, p. 1.

⁽⁷⁾ OJ L 142, 2. 6. 1997, p. 22.

⁽⁸⁾ OJ L 142, 2. 6. 1997, p. 1.

⁽⁹⁾ OJ L 374, 31. 12. 1988, p. 1.

structural operations in order to gauge their effectiveness and whereas the latter Article sets out that evaluations are the joint responsibility of the Member State and the Commission; whereas Article 5(2)(e) of Regulation (EEC) No 2052/88 defines support for technical assistance, including the measures to evaluate operations, as a form of financial assistance which may be provided;

Whereas contrary to the other structural interventions, the programming of measures under Regulation (EC) No 951/97, outside Objective 1 regions, did not foresee support for technical assistance; whereas the requirement to carry out an *ex-post* evaluation of the previous period 1991 to 1993 as well as a mid-term and *ex-post* evaluation of the ongoing period 1994 to 1999 will cause additional costs to be borne by Member States; whereas on the occasion of the discussion of the evaluation of measures under Regulation (EC) No 951/97 and Regulation (EEC) No 867/90 in the meeting of the Committee on Agricultural Structures and Rural Development of 28 January 1997, Member States requested the expenditure for evaluation to be co-financed by the Funds; whereas the use of ECU 4 million for this purpose is considered to be justified;

Whereas, taking into account the justified needs for attribution to Objective 5a, an amount of ECU 117 million is not required for the reinforcement of interventions in the framework of Objective 5a; whereas from this remaining sum an amount of ECU 37 million is transferred to the PEACE initiative to ensure a part of the financing of the PEACE programme for Northern Ireland and with that to contribute to the peace process in this region;

Whereas for the other part of the remaining amount, Portugal, Italy and Germany submitted requests asking for a transfer of unused financial resources under Objective 5a to contribute to the financing of structural interventions in the framework of Objective 5b and Objective 1 programmes which are designed to remedy the damages which were caused by natural disaster; whereas these requests are considered to be justified as they involve the use of the unused financial resources within the scope of application of the Structural Funds for actions designed to restore the concerned rural regions;

Whereas, by letter of 14 May 1998, the Italian authorities requested the transfer of ECU 65,000 million which were initially allocated to the measures under Objective 5a, referred to in the third subparagraph of Article 31(1) of Regulation (EC) No 950/97, to the operational programmes under Objective 5b for the regions Umbria and Marche; whereas this request is considered justified as the financial resources requested are intended to contribute to the financing of structural interventions aiming to remedy the damages which were caused by natural

disaster; whereas the initial allocation of commitment appropriations from the Structural Funds for the agricultural part of Objective 5a except for those fields covered by Objective 1 to Italy has to be reduced by the aforementioned amount;

Whereas the indicative allocation set out in the Annex hereto satisfies the criteria laid down in Article 12(4) of Regulation (EEC) No 2052/88 and whereas the new distribution between Member States shall not modify the weightings of the past, in particular with regard to the allocation of resources in the future,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision 94/279/EC is replaced by the following text:

'Article 1

For the period 1994 to 1999, the initial indicative breakdown as decided in 1994 and the modified indicative breakdown, which is subject to the present Decision, between the Member States, of the commitment appropriations for the agricultural part of Objective 5a, except for those fields covered by Objective 1 as defined in Regulation (EEC) No 2052/88, are set out in the Annex.

Article 1a

An amount of ECU 4 million is set aside to allow the support for technical assistance for the *ex-post* evaluation of the period 1991 to 1993, the mid-term review and the *ex-post* evaluation of the period 1994 to 1999 from commitment appropriations available for the agricultural part of Objective 5a except for those fields covered by Objective 1. The modalities of the support for evaluation shall be defined in a separate Commission Decision'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Commitment appropriations for the agricultural part of Objective 5a except for those fields covered by Objective 1 for the period 1994 to 1999

(ECU million)

Member State	Initially allocated amounts in 1994 (1994 prices)	Amounts taking into account additional allocation, reduction and transfers (1998 prices)
Belgium	170,000	187,648
Denmark	127,000	139,734
Germany	1 068,000	1 146,423
Spain	326,000	435,593
France	1 742,000	1 813,617
Italy	680,000	637,720
Luxembourg	39,000	40,291
Netherlands	118,000	121,982
United Kingdom	361,000	201,324
Total	4 631,000	4 724,332

COMMISSION DECISION

of 5 August 1998

amending Decision 97/660/EC adopting the plan allocating to the Member States resources to be charged to the 1998 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community

(notified under document number C(1998) 2331)

(98/525/EC)

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

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾, as amended by Regulation (EC) No 2535/95 ⁽²⁾, and in particular Article 6 thereof,

Having regard to Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ⁽³⁾, as last amended by Regulation (EC) No 267/96 ⁽⁴⁾, and in particular the first subparagraph of Article 7(1) thereof,

Whereas Commission Decision 97/660/EEC ⁽⁵⁾, as last amended by Decision 98/203/EC ⁽⁶⁾ adopts the plan allocating to the Member States resources to be charged to the 1998 budget year, whereas that plan determines the financial resources made available to implement the 1998 plan in each participating Member State and fixes the quantities of each type of product to be withdrawn from intervention stocks within the limits of those financial resources;

Whereas Italy has already organised and executed invitations to tender immediately after the adoption of the first Decision, 97/660/EC of 2 November 1997, using the products available from intervention stocks at that date; whereas, at the time of the last amendment to the plan, account was not taken of this situation; whereas, it is

accordingly appropriate to effect an amendment to the 1998 plan for Italy and to modify the intra-Community transfer authorisations granted in the Decisions 98/101/EC and 98/203/EC;

Whereas the measures provided for in this Decision are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS DECISION:

Article 1

Point (b) of the Annex to Decision 97/660/EC is replaced, for Italy, by point (b) in Annex I to this Decision.

Article 2

The intra-Community transfer operations referred to in Annex II of the Decisions 98/101/EC and 98/203/EC are replaced, for Italy, by the operations referred to in Annex II of this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 August 1998.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 352, 15. 12. 1987, p. 1.

⁽²⁾ OJ L 260, 31. 10. 1995, p. 3.

⁽³⁾ OJ L 313, 30. 10. 1992, p. 50.

⁽⁴⁾ OJ L 36, 14. 2. 1996, p. 2.

⁽⁵⁾ OJ L 278, 11. 10. 1997, p. 29.

⁽⁶⁾ OJ L 77, 14. 3. 1998, p. 53.

ANNEX I

Annual distribution plan for 1998

(b) *Quantity of each type of product to be withdrawn from intervention stocks for distribution in each Member State up to the maximum amounts indicated in point (a)*

(tonnes)

Member State	Products					
	Cereals	Rice	Olive oil	Milk powder	Butter	Beef/veal
Italy	35 000	7 200	3 000	7 225	1 473	4 675

ANNEX II

Intra-Community transfers authorised for Italy by this Decision

Product	Quantity (tonnes)	Holder	Consignee
1. Cereals	29 000	BLE	AIMA
2. Milk powder	7 225	Department of Agriculture, Ireland	AIMA

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 100/98/COL

of 2 April 1998

authorizing Iceland to adopt more stringent provisions concerning the presence of
Avena fatua in cereal seed

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement, in particular Article 17 and Protocol 1(4)(d) thereof,

Having regard to the Act referred to in point 3 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of cereal seed (Council Directive 66/402/EEC), and in particular Article 14(1a) thereof,

Having regard to the Act referred to in point 9 of Chapter III of Annex I to the Agreement on the European Economic Area laying down special conditions concerning the presence of *Avena fatua* in fodder plant and cereal seed (Commission Directive 74/268/EEC),

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(d) and Protocol 1, Article 1(c) thereof,

Having regard to a request submitted by Iceland,

Whereas in this request, Iceland has stated that *Avena fatua* never has been observed in Iceland;

Whereas there is nonetheless a plan to eradicate *Avena fatua* from crops grown in Iceland;

Whereas the Act referred to in point 3 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of cereal seed (Council Directive 66/402/EEC) lays down tolerances as regards the presence of *Avena fatua*;

Whereas it nevertheless permits EFTA States to subject seeds of their home production to requirements which are more rigorous;

Whereas Iceland avails itself of this provision;

Whereas Iceland should therefore be authorised to adopt more stringent provisions as regards the marketing of seeds originating in other Contracting Parties to the EEA Agreement;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Iceland is authorised to prescribe that cereal seed may not be marketed in its territory unless it is accompanied by an official certificate issued in accordance with the provisions of Article 11 of the Act referred to in point 3 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of cereal seed (Council Directive 66/402/EEC) and complies with the conditions set out in Article 2 of the Act, referred to in point 9 of the aforementioned Chapter, laying down special conditions concerning the presence of *Avena fatua* in fodder plant and cereal seed (Commission Directive 74/268/EEC).
2. Iceland shall notify the EFTA Surveillance Authority as to the date from which and the manner in which it intends to avail itself of the authorisation granted in point 1. The EFTA Surveillance Authority shall inform the other EFTA States thereof.
3. This Decision shall enter into force on 1 May 1998.
4. This Decision is addressed to Iceland.
5. This Decision shall be authentic in the English language.

Done at Brussels, 2 April 1998.

For the EFTA Surveillance Authority

Hannes HAFSTEIN

College Member

EFTA SURVEILLANCE AUTHORITY DECISION**No 101/98/COL****of 2 April 1998**

releasing Iceland from the obligation to apply to certain species the Acts referred to in points 3, 4 and 6 of Chapter III of Annex I to the Agreement on the European Economic Area, on the marketing of cereal seed (Council Directive 66/402/EEC), on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC) and on marketing of vegetable seed (Council Directive 70/458/EEC)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement, in particular Article 17 and Protocol 1(4)(d) thereof,

Having regard to the Act referred to in point 3 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of cereal seed (Council Directive 66/402/EEC), and in particular Article 23(a) thereof,

Having regard to the Act referred to in point 4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), and in particular Article 22 thereof,

Having regard to the Act referred to in point 6 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of vegetable seed (Council Directive 70/458/EEC), and in particular Article 42 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(d) and Protocol 1, Article 1(c) thereof,

Having regard to a request by Iceland,

Whereas seed of rice, canary, sorghum, Sudan grass, Durum wheat, spelt wheat, maize except popcorn and sweetcorn, groundnut, hemp, safflower, soya bean, cotton, asparagus and cardoon is not normally reproduced and marketed in Iceland;

Whereas as long as those conditions obtain, Iceland should be released from the obligation to apply the provisions of the aforementioned Acts to the species in question;

Whereas such release shall be without prejudice to the marketing in Iceland of seeds produced, in accordance with the Acts, in another Contracting Party to the EEA Agreement;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

Iceland is hereby released from the obligation to apply:

1. 1.1. The Act referred to in point 3 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of cereal seed (Council Directive 66/402/EEC), with the exception of the provisions of Article 14(1), to the following species:

<i>Oryza sativa</i> L.	— Rice
<i>Phalaris canariensis</i> L.	— Canary
<i>Sorghum bicolor</i> (L.) Moench	— Sorghum
<i>Sorghum sudanense</i> (Piper) Stapf	— Sudan grass
<i>Triticum durum</i> Desf.	— Durum wheat
<i>Triticum spelta</i> L.	— Spelt wheat
<i>Zea mays</i> L. (partim)	— Maize except popcorn and sweetcorn

- 1.2. The Act referred to in point 4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), with the exception of the provisions of Article 13(1), to the following species:

<i>Arachis hypogaea</i> L.	— Groundnut (peanut)
<i>Canabis sativa</i> L.	— Hemp
<i>Carthamus tinctorius</i> L.	— Safflower
<i>Glycine max</i> (L.) Merr.	— Soya bean
<i>Gossypium</i> spp.	— Cotton

- 1.3. The Act referred to in point 6 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of vegetable seed (Council Directive 70/458/EEC), with the exception of the provisions of Article 16(1) and 30(1), to the following species:

<i>Asparagus officinalis</i> L.	— Asparagus
<i>Cynara cardunculus</i> L.	— Cardoon

2. This Decision shall enter into force on 1 May 1998.
3. This Decision is addressed to Iceland.
4. This Decision shall be authentic in the English language.

Done at Brussels, 2 April 1998.

For the EFTA Surveillance Authority

Hannes HAFSTEIN

College Member

EFTA SURVEILLANCE AUTHORITY DECISION

No 102/98/COL

of 2 April 1998

releasing Norway from the obligation to apply to soya beans the Act referred to in point 4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement, in particular Article 17 and Protocol 1(4)(d) thereof,

Having regard to the Act referred to in point 4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), and in particular Article 22 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, as adjusted by the Protocol Adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(d) and Protocol 1, Article 1(c) thereof,

Having regard to a request by Norway,

Whereas seed of soya beans is not normally reproduced and marketed in Norway;

Whereas as long as those conditions obtain, Norway should be released from the obligation to apply the provisions of the aforementioned Act to soya beans;

Whereas such release shall be without prejudice to the marketing in Norway of seeds produced, in accordance with the Act, in another Contracting Party to the EEA Agreement;

Whereas the measures provided for in this Decision are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Norway is hereby released from the obligation to apply the Act referred to in Point 4 of Chapter III of Annex I to the Agreement on the European Economic Area on the marketing of seed of oil and fibre plants (Council Directive 69/208/EEC), with the exception of the provisions of Article 13(1), to *Glycine max* L. Merrill — soya bean.
2. This Decision shall enter into force on 1 May 1998.
3. This Decision is addressed to Norway.
4. This Decision shall be authentic in the English language.

Done at Brussels, 2 April 1998.

For the EFTA Surveillance Authority

Hannes HAFSTEIN

College Member
