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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2147/98
of 7 October 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 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

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 7 October 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
0707 00 05	052	91,5
	999	91,5
0709 90 70	052	99,9
	999	99,9
0805 30 10	052	76,3
	388	98,6
	524	60,9
	528	80,0
	999	79,0
0806 10 10	052	97,5
	064	65,1
	400	174,9
	999	112,5
0808 10 20, 0808 10 50, 0808 10 90	060	40,3
	064	40,3
	388	43,2
	400	57,2
	800	157,6
	999	67,7
0808 20 50	052	79,1
	064	57,5
	999	68,3

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

COMMISSION REGULATION (EC) No 2148/98

of 7 October 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 8 October 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, 7 October 1998.

For the Commission

Franz FISCHLER

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⁾	6,34	0,23	—
1703 90 00 ⁽¹⁾	7,64	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 2149/98
of 7 October 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2081/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2081/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2081/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

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 266, 1. 10. 1998, p. 9.

ANNEX

to the Commission Regulation of 7 October 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	44,69 ⁽¹⁾
1701 11 90 9910	43,24 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	44,69 ⁽¹⁾
1701 12 90 9910	43,24 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4858
	— ECU/100 kg —
1701 99 10 9100	48,58
1701 99 10 9910	48,85
1701 99 10 9950	48,85
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4858

⁽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 2150/98
of 7 October 1998**

**fixing the maximum export refund for white sugar for the 10th 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 10th 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 10th 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 51,972 per 100 kilograms.

Article 2

This Regulation shall enter into force on 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

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 2151/98
of 7 October 1998
amending Council Regulation (EC) No 2505/96 regarding an increase of certain
autonomous Community tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2505/96 of 20 December 1996 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products ⁽¹⁾, as last amended by Regulation (EC) No 1421/98 ⁽²⁾, and in particular Article 6 thereof,

Whereas the quota amount for certain autonomous Community tariff quotas is insufficient to meet the needs of the Community industry; whereas, consequently, the quota amount should be increased taking into account the provisions of Article 6 of Regulation (EC) No 2505/96; whereas that Regulation should be amended accordingly, with effect from 1 January 1998 so as to ensure uninterrupted use of these quotas;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

Article 1

For the quota period from 1 January to 31 December 1998, Annex I to Regulation (EC) No 2505/96 shall be amended as follows:

- order number 09.2711: the amount of the tariff quota shall be altered to 925 000 tonnes,
- order number 09.2799: the amount of the tariff quota shall be altered to 34 000 tonnes,
- order number 09.2942: the amount of the tariff quota shall be altered to 1 500 tonnes,
- order number 09.2943: the amount of the tariff quota shall be altered to 40 000 000 units,
- order number 09.2944: the amount of the tariff quota shall be altered to 45 000 000 units.

Article 2

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

It shall apply from 1 January 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 345, 31. 12. 1996, p. 1.

⁽²⁾ OJ L 190, 4. 7. 1998, p. 9.

COMMISSION REGULATION (EC) No 2152/98**of 7 October 1998**

initiating a 'new exporter' review of Council Regulation (EC) No 1821/98 imposing a definitive anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Indonesia, repealing the duty with regard to imports from this exporter and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'). The application was lodged by PT Betadiskindo Binatama, Indonesia, (hereinafter referred to as 'the applicant') an exporter in Indonesia which claims it did not export the product concerned during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 March 1994 to 28 February 1995 (hereinafter referred to as 'the original investigation period').

B. PRODUCT

- (2) The products concerned are 3,5" microdisks, used to record and store encoded digital computer information falling within CN code ex 8523 20 90. This code is given for information only.

C. EXISTING MEASURES

- (3) By Regulation (EC) No 1821/98⁽³⁾ the Council imposed a definitive anti-dumping duty of 41,1 % on imports of the product concerned originating in Indonesia.

D. GROUNDS FOR THE REVIEW

- (4) The applicant has shown that it is not related to the exporter/producer in Indonesia which is subject to the aforementioned anti-dumping measures on

the product concerned, and that it started exporting to the Community after the original investigation period.

- (5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment.
- (6) In the light of the above, the Commission concludes that there is sufficient evidence to justify the initiation of a review pursuant to Article 11(4) of the Basic Regulation with a view to determining the applicant's individual margin of dumping and, should dumping be found, the level of duty to which its imports of the product concerned into the Community should be subject.

E. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (7) Pursuant to Article 11(4) of the Basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned originating in Indonesia which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the Basic Regulation, in order to ensure that, should the review result in a determination of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liability cannot be estimated at this stage of the proceeding.

F. TIME LIMIT

- (8) In the interest of sound administration, a period should be fixed within which interested parties, provided they can show that they are likely to be affected by the results of the investigation, may make their views known in writing and submit supporting evidence. A period should also be fixed, within which interested parties may make a written request for a hearing and show that there are particular reasons why they should be heard.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 236, 22. 8. 1998, p. 1.

G. NON-COOPERATION

- (9) It should be noted that in cases in which any interested party refuses access to, or otherwise does not provide, necessary information within the relevant time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 1821/98 is hereby initiated in order to determine if and to what extent imports of 3,5" microdisks, used to record and store encoded digital computer information falling within CN code ex 8523 20 90 (TARIC code 8523 20 90*10), originating in Indonesia, produced and sold for export to the Community by PT Betadiskindo Binatama, Jl. Industri II kva. C 7-6 Hyundai Industrial Estate, Lippo Cikarang, Bekasi 17550, Indonesia, should be subject to the anti-dumping duty imposed by Regulation (EC) No 1821/98.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1821/98 is hereby repealed with regard to imports of the product identified in Article 1 (TARIC additional code 8549).

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

Done at Brussels, 7 October 1998.

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information within 40 days from the date of the entry into force of this Regulation. Interested parties may also apply to be heard by the Commission within the same time limit.

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

European Commission
Directorate-General I for External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand
DM 24 8/38
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex 21877 COMEU B.

Article 5

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

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 2153/98**of 7 October 1998****amending Regulation (EEC) No 2173/92 laying down detailed rules for the application of specific measures adopted in respect of fruit, vegetables, plants and flowers for the benefit of the Canary Islands**

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Articles 15(5) and 16(5) thereof,

Whereas Article 9(3) of Commission Regulation (EEC) No 2173/92 of 30 July 1992 laying down detailed rules for the application of specific measures adopted in respect of fruit, vegetables, plants and flowers for the benefit of the Canary Islands ⁽³⁾, as last amended by Regulation (EC) No 1363/95 ⁽⁴⁾, sets a time limit of two months between the filing of applications and the payment of aid; whereas experience gained in the administration of the measures has demonstrated that that time limit is not long enough to permit the necessary verifications and checks in view of the large number of dossiers involved; whereas the time limit should therefore be extended to three months;

Whereas if the measure is to apply to payments for the 1997/98 marketing year this Regulation should apply from 1 September 1998;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

In the first sentence of Article 9(3) of Regulation (EEC) No 2173/92, 'two' is hereby replaced by 'three'.

Article 2

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

It shall apply with effect from 1 September 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 217, 31. 7. 1992, p. 56.

⁽⁴⁾ OJ L 132, 16. 6. 1995, p. 8.

COMMISSION REGULATION (EC) No 2154/98

of 7 October 1998

laying down special measures derogating from Regulations (EEC) No 3665/87, (EEC) No 3719/88 and (EC) No 1370/95 as regards pigmeat

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 13(12) and the second paragraph of Article 22 thereof,

Whereas Council Regulation (EEC) No 565/80 ⁽³⁾, as last amended by Regulation (EEC) No 2026/83 ⁽⁴⁾, lays down general rules on the advance payment of export refunds in respect of agricultural products;

Whereas Commission Regulation (EEC) No 3665/87 ⁽⁵⁾, as last amended by Regulation (EC) No 604/98 ⁽⁶⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products;

Whereas Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, as last amended by Regulation (EC) No 1044/98 ⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;

Whereas Commission Regulation (EC) No 1370/95 ⁽⁹⁾, as last amended by Regulation (EC) No 1719/98 ⁽¹⁰⁾, lays down detailed rules for implementing the system of export licences in the pigmeat sector;

Whereas the problems prevailing on the market in Russia since the second half of August 1998 have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities provided for in Regulations (EEC) No 565/80, (EEC) No 3665/87 and (EEC) No 3719/88;

Whereas it is accordingly necessary to limit such damaging consequences by adopting special measures and extending certain time limits laid down in the regula-

tions applicable to refunds so that export operations which have not been completed on account of the above-mentioned circumstances can be regularised;

Whereas only those operators who can prove, in particular on the basis of the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 ⁽¹¹⁾, as last amended by Regulation (EC) No 3235/94 ⁽¹²⁾, that the licences were requested with a view to exports to Russia should benefit from the derogations;

Whereas, in the light of developments, this Regulation should enter into force immediately;

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

1. This Regulation shall apply to the products listed in Article 1(1) of Council Regulation (EEC) No 2759/75 for which export licences have been issued.

2. This Regulation shall apply only where the operator can demonstrate to the satisfaction of the issuing body that the licences were requested with a view to exports to Russia.

The issuing body's appraisal shall be based in particular on the commercial documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89.

Article 2

On application by the holder, the validity of the export licences issued pursuant to Commission Regulation (EC) No 1370/95 and applied for before 29 August 1998, excluding those whose validity lapsed before 1 August 1998, shall be extended by 60 days.

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ L 80, 18. 3. 1998, p. 19.

⁽⁷⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁹⁾ OJ L 133, 17. 6. 1995, p. 9.

⁽¹⁰⁾ OJ L 215, 1. 8. 1998, p. 58.

⁽¹¹⁾ OJ L 388, 30. 12. 1989, p. 18.

⁽¹²⁾ OJ L 338, 28. 12. 1994, p. 16.

Article 3

On application by the exporter and in respect of products for which customs export formalities were completed before 29 August 1998 or which were placed under any of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80 before that date, the 60-day time limit referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88 and in Articles 4(1) and 32(1) of Regulation (EEC) No 3665/87 shall be increased to 150 days.

Article 4

Each Thursday Member States shall notify the Commission of the quantities of products covered during the preceding week by the measures referred to in Articles 2 and 3 above.

Article 5

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

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2155/98

of 7 October 1998

derogating from Regulation (EC) No 1223/94 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty as regards the period of validity of the advance-fixing certificates for milk products

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

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as amended by Regulation (EC) No 1097/98 ⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

Whereas Commission Regulation (EC) No 1223/94 of 30 May 1994 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty ⁽³⁾, as last amended by Regulation (EC) No 1479/98 ⁽⁴⁾, stipulates that the advance-fixing certificates for milk and milk products shall be valid until the end of the fourth month following that of issue;

Whereas the situation on the world market in milk products is unusual, and it is hard to predict what price trends will be, particularly over the entire current period of validity of the certificates;

Whereas the level of expenditure on agricultural products exported in the form of non-Annex II goods may subsequently reduce the prospects for exporting these products, in accordance with the international agreements concluded by the Community; whereas, consequently,

steps must be taken to avoid aggravating these consequences by excessive recourse to advance fixing of the refund rates; whereas, under these conditions, the period of validity of these advance-fixing certificates should be limited, temporarily, to until the end of the third month following that of issue;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 4(1) of Regulation (EC) No 1223/94, the advance-fixing certificates for products covered by the common organisation of the market in milk and milk products shall be valid until the end of the third month following that of issue.

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 to applications for certificates lodged from 1 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 157, 30. 5. 1998, p. 1.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 33.

⁽⁴⁾ OJ L 195, 11. 7. 1998, p. 9.

COMMISSION REGULATION (EC) No 2156/98
of 7 October 1998

derogating from Regulation (EC) No 1223/94 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty as regards the period of validity of the advance-fixing certificates for sugar

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

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as amended by Regulation (EC) No 1097/98⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

Whereas Commission Regulation (EC) No 1223/94 of 30 May 1994 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty⁽³⁾, as last amended by Regulation (EC) No 1479/98⁽⁴⁾, stipulates that the advance-fixing certificates for sugar shall be valid until the end of the fifth month following that of issue;

Whereas the situation on the world market in sugar is particularly volatile, the refund levels are particularly high at present and it is hard to predict what price trends will be, particularly over the entire current period of validity of the certificates;

Whereas the refund levels substantially increase the level of expenditure on agricultural products exported in the form of non-Annex II goods with the danger of subsequently reducing the prospects for exporting these products, in accordance with the international agreements concluded by the Community; whereas, consequently,

steps must be taken to avoid aggravating these consequences by excessive recourse to advance fixing of the refund rates; whereas, under these conditions, the period of validity of these advance-fixing certificates should be limited, temporarily, to until the end of the third month following that of issue;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 4(1) of Regulation (EC) No 1223/94, the advance-fixing certificates for products covered by the common organisation of the market in sugar shall be valid until the end of the third month following that of issue.

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 to applications for certificates lodged from 1 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 157, 30. 5. 1998, p. 1.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 33.

⁽⁴⁾ OJ L 195, 11. 7. 1998, p. 9.

COMMISSION REGULATION (EC) No 2157/98**of 7 October 1998****amending Regulation (EC) No 2106/98 laying down special measures derogating from Regulations (EEC) No 3665/87 and (EEC) No 3719/88 as regards beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 1633/98⁽²⁾, and in particular Articles 13(12) and 25 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EC) No 2106/98⁽³⁾ lays down special measures for the regularisation of certain export transactions due to the problems prevailing on the market in Russia since the second half of August 1998;

Regulation (EC) No 2106/98 is hereby amended as follows:

1. in Article 1 the following subparagraph shall be added:

Whereas experience has shown that it is necessary to extend these measures to export licences where the operator has indicated any destination in the same refund zone as Russia, in order to enable export operations, affected by the circumstances described above, to be completed; whereas Annex II to Commission Regulation (EC) No 1560/98 of 17 July 1998 fixing the export refunds on beef and veal⁽⁴⁾, provides for the different refund zones;

‘It shall also apply to the products mentioned above for which export licences have been issued containing in box 7 the mention of another country in the same zone as Russia, as defined in Annex II to Commission Regulation (EC) No 1560/98⁽⁵⁾, on condition that the operator shows, to the satisfaction of the competent authority, the intention to use the licences with a view to carry out exports to Russia.

The evaluation of the competent authority, shall be based, in particular, on the commercial documents mentioned in Article 1(2) of Council Regulation (EC) No 4045/89⁽⁶⁾.

Whereas this derogation shall be limited to operators that can prove, in particular on the base of the documents mentioned in Article 1(2) of Council Regulation (EEC) No 4045/89⁽⁵⁾, as last amended by Regulation (EC) No 3235/94⁽⁶⁾ that the licences were intended to be used to carry out exports to Russia;

⁽¹⁾ OJ L 202, 18.7.1998, p. 58.

⁽²⁾ OJ L 388, 21.12.1989, p. 18.’;

2. the following sentence is added to Article 6:

‘It is applicable from 17 August 1998.’

Whereas, in the light of developments, this Regulation should enter into force immediately and should be applicable from 17 August 1998;

Article 2

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 267, 2. 10. 1998, p. 5.

⁽⁴⁾ OJ L 202, 18. 7. 1998, p. 58.

⁽⁵⁾ OJ L 388, 21. 12. 1989, p. 18.

⁽⁶⁾ OJ L 338, 28. 12. 1994, p. 16.

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

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2158/98
of 7 October 1998
on the issue of import licences for garlic originating in China

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

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

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

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

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

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

the maximum monthly quantity given in the Annex to that Regulation for the month of October 1998; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 2 October 1998 and before 5 November 1998 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 2 October 1998 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 1,04439 % of the quantity applied for, having regard to the information available to the Commission on 6 October 1998.

For the abovementioned products applications for import licences lodged after 2 October 1998 and before 5 November 1998 shall be refused.

Article 2

This Regulation shall enter into force on 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 157, 30. 5. 1998, p. 107.

⁽⁴⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 2159/98**of 7 October 1998****on the issue of system B export licences in the fruit and vegetables sector**

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 1875/98 ⁽³⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for table grapes will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for table grapes exported after 7 October 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for table grapes submitted pursuant to Article 1 of Regulation (EC) No 1875/98, export declarations for which are accepted after 7 October 1998 and before 16 November 1998, are hereby rejected.

Article 2

This Regulation shall enter into force on 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 243, 2. 9. 1998, p. 3.

COMMISSION REGULATION (EC) No 2160/98
of 7 October 1998
on periodical sales by tender of beef held by certain intervention agencies for export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for those products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of those stocks should be put up for sale by periodical tender for export to those countries; whereas, in order to ensure that the products sold are of a uniform quality, the meat put up for sale should have been bought in pursuant to Article 6 of Regulation (EEC) No 805/68;

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

Whereas, in order to ensure that the sales by tender are conducted properly and uniformly, measures in addition to those provided for in Article 8(1) of Regulation (EEC) No 2173/79 should be adopted;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of that point is creating in the Member States concerned; whereas, with a view to better stock management, in particular as regards veterinary matters the Member States

should be able to stipulate only certain cold stores or parts thereof for deliveries of the meat sold;

Whereas, for practical reasons, export refunds will not be granted on beef sold under this Regulation; whereas, however, successful tenderers will be required to apply for export licences for the quantity awarded, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector ⁽⁷⁾, as last amended by Regulation (EC) No 759/98 ⁽⁸⁾;

Whereas, for administrative reasons, a minimum quantity should be set for tenders, taking into consideration normal commercial practice; whereas provision should be made for derogations from Article 18(1) of Regulation (EEC) No 2173/79 and Article 8(2) of Regulation (EC) No 1445/95 to take account of capacity to release the meat concerned from stock;

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

Whereas products from intervention stocks may in certain cases have undergone several handling operations; whereas, to help ensure satisfactory presentation and marketing, the repackaging of the products should be authorised in certain circumstances;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of intervention products bought in pursuant to Article 6 of Regulation (EEC) No 805/68 shall be put up for sale:

— 20 000 tonnes of bone-in beef held by the German intervention agency, to be sold as 'compensated' quarters,

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁸⁾ OJ L 105, 4. 4. 1998, p. 7.

- 20 000 tonnes of bone-in beef held by the French intervention agency, to be sold as 'compensated' quarters,
- 5 000 tonnes of bone-in beef held by the Spanish intervention agency, to be sold as 'compensated' quarters,
- 5 000 tonnes of bone-in beef held by the Italian intervention agency, to be sold as 'compensated' quarters.

'Compensated' quarters shall comprise an equal number of forequarters and hindquarters.

2. The beef shall be exported to the zone 08 destinations listed in Annex II to Commission Regulation (EC) No 1560/98 ⁽¹⁾.

3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, and in particular Titles II and III thereof, and Regulation (EEC) No 3002/92.

Article 2

1. Tenders shall be submitted for the following dates:

- (a) 12 October 1998,
- (b) 26 October 1998,
- (c) 9 November 1998, and
- (d) 23 November 1998,

until the quantities put up for sale are used up.

2. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up notices of invitation to tender for each sale, setting out in particular:

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

3. Particulars of the quantities and the places where the products are stored may be obtained by the parties concerned at the addresses set out in the Annex. The intervention agencies shall, in addition, display the notices referred to in paragraph 2 at their head offices and may also publish them in other ways.

4. The intervention agencies concerned shall sell first meat which has been in storage for the longest time. However, with a view to better stock management and after notifying the Commission, the Member States may designate only certain cold stores or parts thereof for deliveries of meat sold under this Regulation.

5. Only tenders reaching the intervention agencies concerned by 12 noon on the relevant closing date for each sale by tender shall be considered.

6. Tenders shall be valid only if they relate to a minimum of 5 000 tonnes.

7. Tenders shall cover an equal number of forequarters and hindquarters and shall quote a single price per tonne for the whole quantity of bone-in beef for which they are submitted.

8. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, tenders must be submitted to the intervention agency concerned in sealed envelopes bearing a reference to this Regulation and the relevant date. The sealed envelopes must not be opened by the intervention agency before the deadline for submission as referred to in paragraph 5 has expired.

9. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not specify the store or stores where the products are held.

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

The submission of an application for an export licence as referred to in Article 4(2) shall constitute a primary requirement in addition to the requirements laid down in Article 15(3) of Regulation (EEC) No 2173/79.

Article 3

1. Not later than the second day following the closing date for the submission of tenders, the Member States shall send the Commission details of tenders received.

2. Following scrutiny of the tenders, a minimum selling price shall be set or no award shall be made.

Article 4

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

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

⁽¹⁾ OJ L 202, 18. 7. 1998, p. 58.

- Productos de intervención sin restitución [Reglamento (CE) n° 2160/98]
- Interventionsvarer uden restitution [Forordning (EF) nr. 2160/98]
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2160/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [κανονισμός (ΕΚ) αριθ. 2160/98]
- Intervention products without refund [Regulation (EC) No 2160/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2160/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2160/98]
- Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 2160/98]
- Produtos de intervenção sem restituição [Regulamento (CE) n° 2160/98]
- Interventiotuotteita — ei vientitukea [Asetus (EY) N:o 2160/98]
- Interventionsprodukt utan exportbidrag [Förordning (EG) nr 2160/98].

Article 5

1. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79, the delivery period shall run for three months from the date of the notification as referred to in Article 4(1) of this Regulation.
2. Notwithstanding the first indent of Article 8(2) of Regulation (EC) No 1445/95, export licences applied for in accordance with Article 4(2) of this Regulation shall be valid for 90 days.

Article 6

1. A security shall be lodged by the buyer before the goods are taken over to ensure they are exported to the third countries referred to in Article 1(2). Import into one of those countries shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽¹⁾.
2. The security provided for in paragraph 1 shall be equal to the difference between the price tendered per tonne and ECU 2 700.

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

Done at Brussels, 7 October 1998.

Article 7

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

Article 8

No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, export declarations and, where appropriate, T5 control copies shall contain one of the following entries:

- Productos de intervención sin restitución [Reglamento (CE) n° 2160/98]
- Interventionsvarer uden restitution [Forordning (EF) nr. 2160/98]
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2160/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [κανονισμός (ΕΚ) αριθ. 2160/98]
- Intervention products without refund [Regulation (EC) No 2160/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2160/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2160/98]
- Producten uit interventievoorraden zonder restitutie [Verordening (EG) nr. 2160/98]
- Produtos de intervenção sem restituição [Regulamento (CE) n° 2160/98]
- Interventiotuotteita — ei vientitukea [Asetus (EY) N:o 2160/98]
- Interventionsprodukt utan exportbidrag [Förordning (EG) nr 2160/98].

Article 9

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos
de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

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COMMISSION REGULATION (EC) No 2161/98
of 7 October 1998

**on the sale, by means of the procedure laid down in Regulation (EEC) No 2539/84,
of beef held by certain intervention agencies and intended for export to certain
destinations and repealing Regulation (EC) No 788/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for these products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold by tendering procedure for export to those countries; whereas to permit the sale of meat of uniform quality, beef that was purchased under Article 6 of Regulation (EEC) No 805/68 should be sold;

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁴⁾, provides for the possibility of a two-stage procedure for the sale of beef from intervention;

Whereas the sale should be conducted in accordance with Regulation (EEC) No 2539/84 and Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention ⁽⁵⁾, as last amended by Regulation (EC) No 770/96 ⁽⁶⁾;

Whereas, in order to ensure that the tendering procedure is consistent and uniform, measures should be adopted in addition to those provided for in Article 8(1) of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef

bought in by intervention agencies ⁽⁷⁾, as last amended by Regulation (EC) No 2417/95;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of this point is creating in the Member States concerned;

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

Whereas, for practical reasons, export refunds will not be granted for beef sold under this Regulation; whereas, however, buyers will be required to apply for export licences for the quantity allocated, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector ⁽⁸⁾, as last amended by Regulation (EC) No 759/98 ⁽⁹⁾; whereas the deadline for taking over laid down in Article 6 of Regulation (EEC) No 2539/84 should accordingly be adjusted;

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

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

Whereas Commission Regulation (EC) No 788/98 ⁽¹⁰⁾ should be repealed;

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

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 7.

⁽³⁾ OJ L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁸⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁹⁾ OJ L 105, 4. 4. 1998, p. 7.

⁽¹⁰⁾ OJ L 113, 15. 4. 1998, p. 25.

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

1. The sale shall take place of intervention products bought in under Article 6 of Regulation (EEC) No 805/68, of approximately:

- (a) — 2 000 tonnes of bone-in beef held by the Spanish intervention agency,
- 2 000 tonnes of bone-in beef held by the German intervention agency,
- 2 000 tonnes of bone-in beef held by the Austrian intervention agency,
- 500 tonnes of bone-in beef held by the Danish intervention agency,
- 250 tonnes of bone-in beef held by the Belgian intervention agency,
- 2 000 tonnes of bone-in beef held by the French intervention agency,
- 2 000 tonnes of bone-in beef held by the Italian intervention agency,
- 250 tonnes of bone-in beef held by the Dutch intervention agency;
- (b) — 4 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the German intervention agency,
- 4 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the French intervention agency,
- 1 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the Spanish intervention agency,
- 1 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the Italian intervention agency;
- (c) — 2 000 tonnes of boneless beef held by the Irish intervention agency,
- 1 000 tonnes of boneless beef held by the French intervention agency.

2. The beef shall be exported to the zone 08 destinations referred to in Annex II to Commission Regulation (EC) No 1560/98 ⁽¹⁾.

3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulations (EEC) No 2539/84 and (EEC) No 3002/92.

1. The qualities and the minimum prices referred to in Article 3(1) of Regulation (EEC) No 2539/84 are set out in Annex I hereto.

2. For each product mentioned in Annex I, the intervention agencies shall first sell the meat which has been stored the longest. However, with a view to better stock management and after notifying the Commission, the Member States may designate only certain cold stores or parts thereof for deliveries of meat sold under this Regulation.

Particulars of the quantities and places where the products are stored shall be made available to interested parties at the addresses given in Annex II.

3. Only those tenders which reach the intervention agencies concerned no later than 12 noon on 13 October 1998 shall be taken into consideration.

4. A tender or purchase application shall be valid only if it relates to a minimum of 15 tonnes.

5. Tenders or purchase applications relating to the beef indicated in Article 1(1)(b) must be for an equal number of forequarters and hindquarters and must state a single price per tonne for the total quantity of bone-in beef desired.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a sealed envelope bearing a reference to the Regulation concerned. The sealed envelope must not be opened by the intervention agency before the tender deadline referred to in paragraph 3.

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

8. The security provided for in Article 5(1) of Regulation (EEC) No 2539/84 shall be ECU 12 per 100 kilograms.

Applications for export licences as referred to in Article 3(2) below shall constitute a primary requirement in addition to those laid down in Article 5(2) of the abovementioned Regulation.

Article 3

1. The intervention agency shall notify each operator concerned by fax of the outcome of tenders or purchase applications.

⁽¹⁾ OJ L 202, 18. 7. 1998, p. 58.

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

- Productos de intervención sin restitución [Reglamento (CE) n° 2161/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 2161/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2161/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 2161/98]
- Intervention products without refund [Regulation (EC) No 2161/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2161/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2161/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 2161/98)
- Produtos de intervenção sem restituição [Regulamento (CE) n° 2161/98]
- Interventiotuotteita — ei vientitukea (Asetus (EY) N:o 2161/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 2161/98).

Article 4

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

2. The security referred to in paragraph 1 shall be per tonne:

- ECU 1 800 for bone-in hindquarters,
- ECU 1 100 for bone-in forequarters,
- ECU 1 800 for compensated quarters,
- ECU 2 100 for boneless meat coming under codes INT 12 to INT 17, and code INT 19,

- ECU 1 400 for other boneless meat.

Article 5

Notwithstanding Article 6 of Regulation (EEC) No 2539/84, taking over must be completed within 45 days.

Article 6

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

Article 7

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

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

- Productos de intervención sin restitución [Reglamento (CE) n° 2161/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 2161/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 2161/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 2161/98]
- Intervention products without refund [Regulation (EC) No 2161/98]
- Produits d'intervention sans restitution [règlement (CE) n° 2161/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 2161/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 2161/98)
- Produtos de intervenção sem restituição [Regulamento (CE) n° 2161/98]
- Interventiotuotteita — ei vientitukea (Asetus (EY) N:o 2161/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 2161/98).

Article 8

Regulation (EC) No 788/98 is hereby repealed.

Article 9

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

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada (¹)
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton (¹)
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne (¹)
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο (¹)
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ECU per tonne (¹)
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne (¹)
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata (¹)
Lidstaat	Producten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ECU per ton (¹)
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada (¹)
Jäsenvaltio	Tuotteet	Arvioitu määrä (tonneina)	Alimmat hinnat ecuina tonnilta (¹)
Medlemsstat	Produkter	Ungefärlig kvantitet (ton)	Lägsta priser i ecu per ton (¹)

Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non dissossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben

a) DEUTSCHLAND	— Vorderviertel	1 000	700
	— Hinterviertel	1 000	900
DANMARK	— Forfjerdinger	250	700
	— Bagfjerdinger	250	900
ITALIA	— Quarti anteriori	1 000	700
	— Quarti posteriori	1 000	900
FRANCE	— Quartiers avant	1 000	700
	— Quartiers arrière	1 000	900
BELGIQUE	— Quartiers arrière/Achtersvoeten	250	900
ÖSTERREICH	— Vorderviertel	1 000	700
	— Hinterviertel	1 000	900
NEDERLAND	— Achtersvoeten	250	900
ESPAÑA	— Cuartos delanteros	1 000	700
	— Cuartos traseros	1 000	900
b) DEUTSCHLAND	— Kompensierte Viertel (²)	4 000	820
FRANCE	— Quartiers compensés (²)	4 000	820
ESPAÑA	— Cuartos compensados (²)	1 000	820
ITALIA	— Quarti compensati (²)	1 000	820

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

IRELAND	— shank (code INT 11)	200	800
	— thick flank (code INT 12)	200	1 300
	— topside (code INT 13)	100	1 400
	— silverside (code INT 14)	100	1 250
	— rump (code INT 16)	100	1 250
	— striploin (code INT 17)	100	1 800
	— flank (code INT 18)	200	700
	— fore rib (code INT 19)	200	1 100
	— shin (code INT 21)	200	800
	— shoulder (code INT 22)	200	1 100
	— brisket (code INT 23)	200	700
	— forequarter (code INT 24)	200	1 100
FRANCE	— Jarret (code INT 11)	100	800
	— Semelle (code INT 14)	100	1 250
	— Flanchet (code INT 18)	400	700
	— Jarret avant (code INT 21)	100	800
	— Épaule (code INT 22)	200	1 100
	— Quartier avant (code INT 24)	100	1 100

- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4. 9. 1993, p. 4); cuya última modificación la constituye el Reglamento (CE) n° 2602/97 (DO L 351 de 23. 12. 1997, p. 20).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23. 12. 1997, s. 20).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23. 12. 1997, σ. 20).
- (¹) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2602/97 (JO L 351 du 23. 12. 1997, p. 20).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23. 12. 1997, pag. 20).
- (¹) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23. 12. 1997, blz. 20).
- (¹) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 da Comissão (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2602/97 (JO L 351 de 23. 12. 1997, p. 20).
- (¹) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20), liitteet V ja VII.
- (¹) Se bilagorna V och VII i kommissionens förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).
- (²) Número igual de cuartos delanteros y traseros.
- (²) Lige stort antal forfjerdinger og bagfjerdinger.
- (²) Gleiche Anzahl Vorder- und Hinterviertel.
- (²) Ίσος αριθμός μπροστινών και πισινών τετάρτων.
- (²) Equal number of forequarters and hindquarters.
- (²) Nombre égal de quartiers avant et quartiers arrière.
- (²) Numero uguale di quarti anteriori e posteriori.
- (²) Een gelijk aantal voor- en achtervoeten.
- (²) Número igual de quartos dianteiros e de quartos traseiros.
- (²) Sama määrä etu- ja takaneljänneksiä.
- (²) Samma antal framkvartsparter och bakkvartsparter.

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser

BELGIQUE/BELGIË

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

BUNDESREPUBLIK DEUTSCHLAND

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

DANMARK

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

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00, 913 47 63 10; télex: FEGA 23427 E, FEGA 41818 E; fax: (34) 915 21 98 32, 915 22 43 87

FRANCE

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

ITALIA

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

IRELAND

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

NEDERLAND

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

ÖSTERREICH

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

COMMISSION REGULATION (EC) No 2162/98**of 7 October 1998****repealing Regulation (EC) No 1119/98 relating to the invitation to tender for the export of barley held by the Finnish intervention agency**

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 5 thereof,

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

Whereas for economical reasons, it is appropriate to repeal the invitation to tender under Commission Regulation (EC) No 1119/98⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 1119/98 is hereby repealed.

Article 2

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

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

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 157, 30. 5. 1998, p. 54.

COMMISSION REGULATION (EC) No 2163/98**of 7 October 1998****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the rates of the refunds applicable from 1 October 1998 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2099/98 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2099/98 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2099/98 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1998.

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

Done at Brussels, 7 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 7 October 1998 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	6,62	6,62
— in all other cases	48,58	48,58

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 266, 1. 10. 1998, p. 73.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 September 1998

on the statistical surveillance within the Community of exports of secondary copper raw materials

(notified under document number C(1998) 2739)

(Text with EEA relevance)

(98/562/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2603/69 of 20 December 1969 establishing common rules for exports ⁽¹⁾, as last amended by Regulation (EEC) No 3918/91 ⁽²⁾, and in particular Article 5 thereof,

After consulting the committee set up by Article 4 of Regulation (EEC) No 2603/69,

- (1) Whereas Community refiners and fabricators have been, for some time, experiencing supply difficulties over the whole spectrum of copper materials; whereas the copper scrap market in particular is characterised by scarcity and is, consequently, highly competitive and inelastic on the supply side; whereas the Community industry is facing a significant decline in its room for manoeuvre in relation to the amount of financial return it can expect from refining copper from scrap metal;
- (2) Whereas exports of copper scrap were subject, until 1990, to production of a prior export licence to be issued by the appropriate authorities of the Member States; whereas, since then, no similar arrangement has been in force;

- (3) Whereas the difficulties of the Community industry in finding access to secondary copper raw materials started to increase following the lifting of that commercial policy measure;

- (4) Whereas the Community industry claims that those difficulties are due to overbidding practices on the Community and world markets, mainly by Chinese, Indian and South Korean buyers, which are rendered possible by the differentiated tariff structure of those countries; whereas it submitted to the Commission information designed to demonstrate the existence of those practices;

- (5) Whereas the existence of alternative sources of supply, in particular in eastern Europe, is likely to be short term as local industry increases demand and national authorities reinforce controls and export restrictions;

- (6) Whereas, following receipt of the information provided by the Community industry, the Commission launched an examination concerning the conditions under which the international and Community copper scrap supply markets are operating by a notice published ⁽³⁾ in the *Official Journal of the European Communities*; whereas

⁽¹⁾ OJ L 324, 27. 12. 1969, p. 25.

⁽²⁾ OJ L 372, 31. 12. 1991, p. 31.

⁽³⁾ OJ C 148, 22. 5. 1996, p. 4.

this examination has shown that the tariff differentiation applicable in India, South Korea and the People's Republic of China between secondary copper raw materials and refined copper appears to be likely to confer a competitive advantage on those countries' producers and to disrupt copper scrap supply markets;

- (7) Whereas, however, there does not appear to be any violation by the countries concerned of international trade rules, whether multilateral or laid down in bilateral agreements; whereas the Chinese tariff structure is the subject of ongoing negotiations in the perspective of future accession of the People's Republic of China to the World Trade Organisation;
- (8) Whereas bilateral consultations with Indian and South Korean authorities are ongoing or will be started as soon as possible in order to find a mutually acceptable solution to this problem;
- (9) Whereas, in parallel with those consultations, it is desirable to follow closely the trend of exports of the products concerned; whereas an *a posteriori* monitoring system should be put in place in order to gather more specific information with a view to assessing the possible causal link between the abovementioned tariff policies and the adverse effects on the Community industry; whereas such a system would achieve the twofold objective of providing the Commission with a deeper insight into the market in question in the shortest possible time as well as sending to the third countries' authorities and to the Community industry involved a signal on the importance attached by the Community to this matter;
- (10) Whereas a duration of two years seems to be the most appropriate for getting a comprehensive and

reliable picture of the market trends; whereas the system envisaged would be simple to adopt and to administer and it would not impose any extra burdens on Community exporters or require them to provide any information additional to that which they are already required to provide,

HAS ADOPTED THIS DECISION:

Article 1

The exports to all countries of the secondary copper raw materials listed in Annex I shall be subject to statistical surveillance.

Article 2

Member States shall communicate to the Commission, in respect of each calendar month, not later than six weeks after the end of the month in question, the data listed in the form set out in Annex II.

The Commission will, on a quarterly basis, provide information to the Member States on the data received.

Article 3

This Decision shall apply from 1 October 1998 for two years.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 September 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

PRODUCTS PLACED UNDER STATISTICAL SURVEILLANCE ⁽¹⁾**Copper waste and scrap (CN 7404 00)****Refined copper waste and scrap (CN 7404 00 10)**

Bright No 1 copper wire (*Barley*): No 1 bare, uncoated, unalloyed copper wire, not smaller than 1,3 mm.

No 1 copper wire (*Berry*): clean, untinned, uncoated, unalloyed copper wire and cable, not smaller than 1,3 mm, free of burnt wire which is brittle.

No 2 copper wire (*Birch*): miscellaneous, unalloyed copper wire having a nominal 96 % copper content (minimum 94 %).

No 2 copper wire nodules (*Cobra*): No 2 unalloyed copper wire scrap nodules, chopped or shredded, minimum 97 % copper.

No 2 copper (*Cliff*): miscellaneous, unalloyed copper scrap having a nominal 96 % copper content (minimum 94 %).

Light copper (*Dream*): miscellaneous, unalloyed copper scrap having a nominal 92 % copper content (minimum 88 %) as determined by electrolytic assay, sheat copper, gutters, downspouts, kettles, boilers, and similar scrap.

Copper-bearing scrap (*Drove*): miscellaneous copper-containing skimmings, grindings, ashes, irony brass copper, residues and slags. Free of insulated wires.

Copper-zinc base alloy (brass) waste and scrap (CN 7404 00 91)

New yellow brass rod ends (*Noble*): new, clean rod ends from free turning brass rods or forging rods.

Yellow brass rod turnings (*Night*): strictly rod turnings.

Yellow brass scrap (*Honey*): brass castings, rolled brass, rod brass, tubing and miscellaneous yellow brasses, including plated brass.

Mixed unsweated auto radiators (*Ocean*): mixed automobile radiators, to be free of aluminium radiators, and iron finned radiators.

New brass clippings (*Label*): cuttings of new unleaded yellow brass sheet or plate.

Brass shell cases without primers (*Lace*): clean fired 70/30 brass shell cases free of primers and any other foreign material.

Brass small arms and rifle shell, clean fired (*Lake*): clean fired 70/30 brass shells free of bullets, iron and any other foreign material.

Other copper alloy waste and scrap (CN 7404 00 99)

Composition or red brass (*Ebony*): red brass scrap, valves, machinery bearings and other machinery parts, including miscellaneous castings made of copper, tin, zinc, and/or lead.

Red brass composition turnings (*Enerv*): turning from red brass composition material.

New cupro nickel clips and solids (*Dandy*): clean, new, segregated cupro nickel tube, pipe, sheet, plate, or other wrought solid forms.

⁽¹⁾ The data transmitted to the Commission shall be at CN level. Where possible, a more detailed description of the exported goods may be provided on the basis of the denominations/definitions listed below (commonly used by the business and contained in the 'Guidelines for non-ferrous scrap — scrap specifications' issued by the Institute of scrap recycling Industries in 1994).

Cupro nickel solid (*Daunt*): old, and/or new, segregated cupro nickel tube pipe, sheet, plate, or other wrought solid forms.

Soldered cupro nickel solids (*Delta*): segregated cupro nickel solids, soldered, brazed or sweated.

Cupro nickel spinnings, turnings, borings (*Decoy*): clean segregated cupro nickel spinnings, turnings, or borings.

Irony copper waste and scrap (classified under CN 7204 29 00)

Electronic and/or telephonic waste and scrap containing copper (classified under CN 7112 10 00/7112 20 00/7112 90 00)

Copper ash and residues (CN 2620 30 00)

ANNEX II

FORM RELATING TO EXPORTS OF SECONDARY COPPER RAW MATERIALS

Data to be communicated for the attention of:

European Commission

Directorate General I (External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand)

Mr Paolo Garzotti, DG I/E.3

DM24, 05/104

Rue de la Loi/Wetstraat 200

B-1049 Brussels

Fax (32-2) 295 73 31

E-mail: Paolo.Garzotti@dg1.cec.be

Exports in the month of 199 ..

A. Total exports: tonnes.

B. Of which:

(specify the CN code, tonnage, value, country of destination and country of origin, broken down by transaction)

Exporter	Country of destination	Country of origin	Description	CN code	Value (ECU)	Tonnes

This information will be forwarded directly to Unit I/E.3, where possible in computerised format. Those administrations for which a computerised format is not an available option will be able to use the structure of the above model form.

C. Other.

COMMISSION DECISION

of 7 October 1998

terminating the anti-dumping proceeding concerning imports of synthetic fibre ropes originating in the Republic of Korea

(notified under document number C(1998) 2975)

(98/563/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In July 1997, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of synthetic fibre ropes originating in the Republic of Korea and commenced an investigation.
- (2) This was the result of a complaint lodged in June 1997 by the Liaison Committee of European Twine, Cordage and Netting Industries (Eurocord) on behalf of the Community industry. The complaint contained sufficient *prima facie* evidence of dumping and of material injury resulting therefrom to justify the opening of a proceeding.
- (3) The Commission officially advised the exporting producers and importers known to be concerned as well as their associations, the representatives of the exporting country concerned, the complainant Community producers and known Community users about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing.
- (4) The Commission sent questionnaires to the five alleged Korean exporting producers mentioned in the complaint and received replies from the two listed below. In addition, the Commission sent

questionnaires to all importers known to be concerned. One importer responded that it was not concerned by the proceeding. No other importers cooperated in the proceeding. A number of exporting producers in the country concerned, as well as complainant Community producers, Community users and importers made their views known in writing. All parties who so requested within the given time limit and indicated that there were particular reasons why they should be heard were granted a hearing.

- (5) In view of the large number of Community producers supporting the complaint and the time limits established in Article 6(9) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'), the Commission investigated injury on the basis of a selection of such producers in accordance with Article 17 of the basic Regulation. Only the cooperating Community producers included in the selection are mentioned below.
- (6) The Commission then sought and verified all information deemed necessary for the assessment of the facts and carried out investigation visits at the premises of the following companies:
 - (a) *Community producers (selection)*:
 - Randers (Randers, Denmark),
 - Oliveira (Porto, Portugal),
 - Verto Portugal (Porto, Portugal),
 - Birh Frères (Urimenil, France),
 - Quintas & Quintas (Porto, Portugal),
 - Cotesi (Porto, Portugal),
 - Sicor (Porto, Portugal),
 - Geo Gleistein & Sohn (Bremen, Germany);
 - (b) *Exporting producers in the country concerned*:
 - Dae Sung Rope Mfg Co. Ltd (Pusan, Republic of Korea),
 - Manho Rope & Wire Ltd (Pusan, Republic of Korea).

- (7) The investigation of dumping covered the period from 1 July 1996 to 31 May 1997 (hereinafter referred to as 'the investigation period').

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ C 232, 31. 7. 1997, p. 6.

B. PRODUCT CONCERNED AND LIKE PRODUCT

- (8) The product under consideration is twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics of polyethylene or polypropylene, other than binder and baler twine, measuring more than 50 000 decitex (5 g/m), plaited and other, as well as other synthetic fibres of nylon or other polyamides or of polyesters measuring more than 50 000 decitex (5 g/m), plaited and other (hereinafter 'synthetic fibre ropes'). The product as described above falls within CN codes 5607 49 11, 5607 49 19, 5607 50 11 and 5607 50 19.

Synthetic fibre ropes are used for a wide variety of naval and industrial applications, in particular for shipping (especially for mooring purposes), and the fishing industry.

- (9) The investigation showed that the different types of synthetic fibre ropes manufactured and sold in the Republic of Korea had the same basic physical characteristics, applications and uses as those exported from the Republic of Korea to the Community. The same is true with regard to the ropes manufactured and sold in the Community and those exported from the Republic of Korea to the Community. It is therefore concluded that they must be considered like products within the meaning of Article 1(4) of the basic Regulation.

- (12) The Commission then examined whether total domestic sales of each type were representative, i.e. whether the volume of such sales constituted 5 % or more of the sales volume of the corresponding type exported to the Community.

- (13) For those types meeting this test, the Commission subsequently examined whether the domestic sales of each type could be considered as being made in the ordinary course of trade, by determining the proportion of profitable sales of the type in question.

In cases where the volume of sales below unit cost represented less than 20 % of the total sales volume, the normal value for the type concerned was established on the basis of the weighted average price of all domestic sales.

In cases where the volume of sales below unit cost represented 20 % or more but less than 90 % of the total sales volume, the normal value for the type concerned was established on the basis of the weighted average price of profitable domestic sales only.

For one type, one of the cooperating exporting producers had made insufficient domestic sales. Consequently, normal value was based on the weighted average of the ex-works price charged by the other cooperating exporting producer for representative domestic sales of the corresponding type made in the ordinary course of trade.

C. DUMPING

- (10) For the purposes of the dumping calculations, the product concerned was divided into 'types' on the basis of which data were collected. This classification into types depended, *inter alia*, on the raw material composition, the number of strands making up the ropes and the type of yarn used.

2. Export price

- (14) As the two cooperating exporting producers made export sales to the Community directly to independent importers, export prices were, in accordance with Article 2(8) of the basic Regulation, established on the basis of the prices actually paid or payable by these independent customers.

3. Comparison

1. Normal value

- (11) In order to establish normal value, it was first examined whether the total domestic sales of the cooperating exporting producers were representative in accordance with Article 2(2) of the basic Regulation, i.e. whether the total volume of such sales constituted 5 % or more of the total volume of export sales to the Community. This assessment revealed that each of the two cooperating exporting producers in the Republic of Korea had representative domestic sales of synthetic fibre ropes.

- (15) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect price comparability in accordance with Article 2(10) of the basic Regulation. These adjustments were made in respect of transport, insurance, handling and ancillary costs, import charges, credit costs and rebates.

- (16) The two cooperating exporting producers claimed that an allowance should be granted for the import

charges borne by the raw material imported. This adjustment was granted where the duties shown to be paid on raw materials imported and physically incorporated in the product sold domestically were shown to be refunded when exporting the products.

- (17) The two cooperating companies claimed an allowance for the credit cost of sales on the domestic market. The allowance claimed was made on the basis of a so-called 'open account', i.e. a revolving payment system, without any evidence of an agreement on payment terms between the seller and the buyer at the date of the sale. This claim was rejected on the grounds that, in accordance with Article 2(10)(g) of the basic Regulation, an adjustment can only be given for the number of days shown to be agreed at the date of the sale, as only the expenses relating to that number of days can be considered to have influenced the price. Such an agreement does not exist where payments were made on an open account basis and the claim consequently could not be accepted.

4. Dumping margins

- (18) In accordance with Article 2(11) of the basic Regulation, the dumping margins were established on the basis of a comparison between the weighted average normal value by type and the weighted average export price of the corresponding type at an ex-factory level.
- (19) This comparison showed weighted average dumping margins of 1,4 and 0,5 % for Dae Sung Rope Mfg Co. Ltd and for Manho Rope & Wire Ltd respectively, i.e. *de minimis* margins.
- (20) A comparison of Eurostat data with the volume of exports to the Community reported by the co-operating exporting producers showed that these producers accounted for a significant share of all exports from the Republic of Korea to the Community. The investigation also showed that the remaining exports were made by exporting producers which did not cooperate in the investigation although they were known to be concerned and advised by the Commission of the initiation of the proceeding. The dumping margin for these exporters was determined on the basis of the facts available, in accordance with Article 18 of the basic Regulation. In order to avoid encouraging non-cooperation of exporting producers and circumvention of anti-dumping measures, it was found that

the dumping margin for these exports should be determined on the basis of the highest dumping margin of a representative type exported by one of the co-operating exporting producers. On this basis, the residual dumping margin is 5,4 %.

D. CONCLUSION AND TERMINATION OF THE PROCEEDING

- (21) In view of the low level of imports made at dumped prices (see the preceding recital) it was examined whether or not the imports of the product concerned both originating from co-operating and non-cooperating producers, taken together on a weighted average basis, were made at dumped prices. It was found that overall dumping only occurred at a *de minimis* level. Thus, as any negative situation of the Community industry could not be attributed to dumping by imports of the product in question from the Republic of Korea, it was concluded that any further examination of injury or Community interest was not necessary.
- (22) The interested parties were informed of the Commission's intention to terminate the proceeding and were given the opportunity to comment. The comments have been taken into account and the findings altered where appropriate.
- (23) Given the above, it was concluded that the proceeding concerning imports of synthetic fibre ropes originating in the Republic of Korea should be terminated without the imposition of measures,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of synthetic fibre ropes falling within CN codes 5607 49 11, 5607 49 19, 5607 50 11 and 5607 50 19 originating in the Republic of Korea is hereby terminated.

Done at Brussels, 7 October 1998.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1568/98 of 17 July 1998 amending Annexes I, II, III and IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Official Journal of the European Communities L 205 of 22 July 1998)

On page 4, in Annex II, '2. Organic compounds', delete the entry for Parconazole.
