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Commission

98/27/EC:

- ★ **Commission Decision of 16 December 1997 allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and methyl bromide for the period 1 January to 31 December 1998, and in addition, allocating placing on the market quotas for hydrochlorofluorocarbons for the period 1 January to 31 December 1998 ⁽¹⁾**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 88/98
of 18 December 1997**

**laying down certain technical measures for the conservation of fishery resources
in the waters of the Baltic Sea, the Belts and the Sound**

THE COUNCIL OF THE EUROPEAN UNION,

the maritime waters within its jurisdiction or under its
sovereignty;

Having regard to the Treaty establishing the European
Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Par-
liament ⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

(1) Whereas Council Regulation (EEC) No 1866/86 of
12 June 1986 laying down certain technical measures
for the conservation of fishery resources in the waters
of the Baltic Sea, the Belts and the Sound ⁽³⁾ has been
frequently and substantially amended; whereas for
reasons of clarity and rationality the said Regulation
should be consolidated;

(2) Whereas, pursuant to Articles 2 and 4 of Council
Regulation (EEC) No 3760/92 of 20 December 1992
establishing a Community system for fisheries and
aquaculture ⁽⁴⁾, the Council is responsible for adopt-
ing, in the light of the available scientific advice, the
conservation measures necessary to ensure the rational
and responsible exploitation of living marine aquatic
resources on a sustainable basis; whereas, to that end,
the Council may lay down technical measures con-
cerning fishing gear and the ways in which it is used;

(3) Whereas it is necessary to establish the principles and
certain procedures for laying down the said technical
measures at Community level so that each Member
State can manage the fishing activities carried on in

(4) Whereas the accession of the Community to the
Convention on Fishing and Conservation of the
Living Resources in the Baltic Sea and the Belts, as
amended by the Protocol to the Conference of the
representatives of the States Parties to the Convention
and hereinafter referred to as 'the Gdansk Con-
vention', was approved by Council Decision 83/414/
EEC ⁽⁵⁾;

(5) Whereas the Gdansk Convention entered into force in
respect of the Community on 18 March 1984 and the
Community accepted all the rights and obligations of
Denmark and the Federal Republic of Germany as
laid down by the Gdansk Convention;

(6) Whereas the International Baltic Sea Fishery Commis-
sion, set up by the Gdansk Convention, has adopted,
since it was established, a body of measures for the
conservation and management of fishery resources in
the Baltic Sea and has, by its letters of 20 September
1985, 8 December 1986, 21 December 1987,
29 October 1988, 20 September 1993, 20 September
1994 and 11 September 1995, notified the Contracting
Parties of certain recommendations to modify those
technical measures;

(7) Whereas the Gdansk Convention provides that the
Community must give effect to the said recommenda-
tions in the waters of the Baltic Sea, the Belts and the
Sound, subject to the objection procedure laid down
in Article XI of the Convention;

(8) Whereas the most effective means of minimising
catches of small fish is to prohibit fishing in those
areas where they are heavily concentrated,

⁽¹⁾ OJ C 304, 6. 10. 1997, p. 32.

⁽²⁾ OJ C 296, 29. 9. 1997, p. 31.

⁽³⁾ OJ L 162, 18.6.1986, p. 1. Regulation as last amended by Re-
gulation (EC) No 1821/96 (OJ L 241, 21.9.1996, p. 8).

⁽⁴⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the
1994 Act of Accession.

⁽⁵⁾ OJ L 237, 26. 8. 1983, p. 4.

HAS ADOPTED THIS REGULATION:

Article 1

Definition of the geographical area

1. This Regulation concerns the taking and landing of fishery resources occurring in the waters of the Baltic Sea, the Belts and the Sound bounded to the west by a line drawn from Hasenøre Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen. It does not apply to waters within the baselines.

2. It applies to:

— Community fishermen in the geographical area described in paragraph 1,

— all fishermen in the waters of this area which lie under the sovereignty or jurisdiction of the Member States.

3. The geographical area is divided into 11 subdivisions numbered 22 to 32 which are described in Annex I.

Article 2

Ban on fishing for certain species in certain geographical areas during certain periods

1. It shall be prohibited to retain on board the following species of fish which have been taken in the waters and during the periods listed below:

Species	Waters	Period of prohibition
Flounder (<i>Platichthys flesus</i>)	Subdivision 26	1 February to 30 April
Flounder	Subdivision 28 and 29 south of latitude 59° 30' N	1 February to 30 April
Flounder	Subdivision 32	1 February to 30 June
Female flounder	Subdivision 22 except for the geographical area described in Annex II	1 February to 30 April
Plaice (<i>Pleuronectes platessa</i>)	Subdivision 26	1 February to 30 April
Plaice	Subdivisions 27, 28 and 29 south of latitude 59° 30' N	1 February to 30 April
Female plaice	Subdivision 22 except for the geographical area described in Annex II and subdivisions 24 and 25	1 February to 30 April
Turbot (<i>Psetta maxima</i>)	Subdivisions 22, 24, 25 and 26	1 June to 31 July
Brill (<i>Scophthalmus rhombus</i>)	Subdivisions 22, 24, 25 and 26	1 June to 31 July

2. By way of derogation from the provisions of paragraph 1, by-catches of flounder and plaice in fishing for cod, taken during the periods of prohibition referred to in that paragraph, may be retained on board within a limit of 10 % by weight of the total catch of cod on board the vessel.

Article 3

Minimum fish sizes

1. A fish shall be regarded as undersized if it is smaller than the minimum size specified in Annex III for the species and waters in question.

2. The size of a fish shall be measured from the tip of the snout, with mouth closed, to the extreme end of the tail fin.

3. Fish smaller than the minimum size, even where such fish are part of a by-catch, shall not be retained on board or be transhipped, landed, transported, processed, preserved, sold or stored, displayed or offered for sale. They must be returned to the sea, if at all possible while still alive, immediately after being taken.

4. By way of derogation from paragraph 3, undersized cod may be kept on board within a limit of 5 % by weight of the cod catch on board.

5. The by-catch of cod taken when fishing for herring and sprat shall not exceed 10 % of the total weight of the catch. Of this by-catch of cod, no more than 5 % of undersized cod shall be kept on board.

Article 4

Determination of by-catch percentage

1. The percentage of the by-catches referred to in Article 2(2) shall be measured as a proportion by weight of the total quantity of cod on board after sorting, or of all cod in the hold or on landing.

2. The percentage of the by-catches referred to in Article 3(4) shall be measured as a proportion by weight of the total quantity of fish on board after sorting, or of all fish in the hold or on landing.

3. Detailed rules for the determination of percentage by-catches may be adopted in accordance with the procedure referred to in Article 13.

Article 5

Minimum mesh size

1. It shall be prohibited to use or to tow any trawl, Danish seine or similar net having meshes of a smaller size than those laid down in Annex IV for the waters, species or group of species of fish concerned.

2. It shall be prohibited to use anchored floating nets or drift nets having meshes of a smaller size than those laid down in Annex IV for salmon fishery.

3. It shall be prohibited to use gill nets having meshes of a smaller size than those laid down in Annex IV for the waters, species or groups of species of fish concerned.

Article 6

Measurement of mesh size

1. During the inspection of nets, meshes shall be measured using a flat gauge which is 2 mm thick and made of durable material that will retain its shape. It shall have several parallel-edge sides connected by intermediate tapering sides each with a taper of 1 cm in 8 cm or shall have tapering sides only, with the same taper as indicated above. The gauge shall be inscribed on its surface with the width in millimetres both on the parallel-sided section, where one exists, and on the tapering section. In the case

of the latter, the width shall be inscribed every 1 mm interval, and the indication of the width shall appear at regular intervals.

2. To measure the size of a mesh, the gauge shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net so as to measure the long axis of the mesh when stretched diagonally lengthwise. The gauge shall be inserted into the mesh opening with manual force until it is stopped at the tapering edges by the resistance of the mesh. The size of an individual mesh shall be the width of the gauge at the point where the gauge is stopped.

3. The mesh size of a net shall be the average size of at least one series of 20 consecutive meshes in the direction of the long axis of the net, chosen at random. Meshes less than 10 meshes and within 50 cm from lacings, ropes or codline shall not be measured. This distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement.

4. The meshes of a net shall be measured only when the net is wet.

5. An individual mesh shall not be considered undersized if the section of the gauge corresponding to the minimum size listed in Annex IV for the species, waters and type of net concerned, easily passes through it.

Article 7

Attachments to nets

1. By way of derogation from Article 5(1) it shall be permitted to attach to the outside of the lower half of the codend of any trawl, Danish seine or similar net, any canvas, netting or other material which has the purpose of preventing or reducing wear. Such material shall be attached along the forward and lateral edges of the codend only.

2. By way of derogation from Article 5(1), it shall be permitted to attach to the outside of the codend and the lengthening piece as strengthening bag. A strengthening bag is a cylindrical piece of netting completely surrounding the codend and the lengthening piece. It may be made of either the same or heavier material as the codend or lengthening piece. The mesh size of the strengthening bag shall be at least twice as large as that of the codend except that its minimum mesh size shall not be less than 80 mm.

A strengthening bag may be attached at the following points:

- (a) at its forward edge; and
- (b) at its rear edge; and, either
- (c) laced circumferentially to the codend and the lengthening piece around one row of meshes; or
- (d) laced longitudinally along a single row of meshes.

3. By way of derogation from Article 5(1), it shall be permitted to use in trawls, Danish seines and similar nets a non-return net or flapper which has a mesh size smaller than that of the codend.

The flapper may be attached either inside the codend or in front of the codend.

The distance from the point of forward attachment of the flapper to the rear end of the codend shall be at least three times the length of the flapper.

Article 8

Use of gear

1. Gear that may not be used within a certain geographical area or during a certain period shall be stowed away on board in such a manner that it is not ready for use in the prohibited area or during the prohibited period. Reserve gear shall be stowed away separately and in such a manner that it is not ready for use.

2. Fishing gear shall be considered not ready for use if:

- in the case of trawls, Danish seines and similar nets,
 - (a) the trawl boards are made fast to the inner or outer side of the bulwark or the gallows, and
 - (b) sweep lines or warps are unshackled from the trawl boards or weights,
- in the case of salmon-fishing gear,
 - (a) the nets are stowed under a lashed cover,
 - (b) the lines and hooks are kept in closed boxes,
- in the case of purse seines, the main or bottom wire is unshackled from the seine.

3. It shall be prohibited throughout the year, to fish with any trawl, Danish seine and similar net in the geographical area bounded by a line joining the following coordinates:

54° 23' N	14° 35' E
54° 14' N	14° 25' E
54° 17' N	14° 17' E
54° 24' N	14° 11' E
54° 27' N	14° 25' E
54° 23' N	14° 35' E

4. By way of derogation from paragraph 1, during fishing for cod, only gear authorised for fishing for cod or gear with a larger mesh size than the sizes laid down in Annex IV may be allowed to be kept on board. If there is gear on board that is not authorised for fishing for cod, the landing of cod shall be prohibited.

Article 9

Restrictions on fishing for salmon and sea trout

1. It shall be prohibited, in fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*):

- to use drifting or anchored nets from 15 June to 30 September in the waters of subdivisions 22 to 28, 29 south of 59° 30' N and 32,
- to use drifting or anchored nets from 1 June to 15 September in the waters of subdivisions 29, 30 and 31 north of 59° 30' N,
- to use drifting lines and anchored lines from 1 April to 15 November in the waters of subdivisions 22 to 31,
- to use drifting lines and anchored lines from 1 July to 15 September in the waters of subdivision 32.

The area of prohibition during the closed season is beyond four nautical miles measured from the baselines, except in subdivision 32 and the area east of longitude 22° 30' E (Bengtskär lighthouse) inside the Finnish fishery zone where fishing with driftlines and anchored lines is prohibited from 1 July to 15 September.

2. It shall be prohibited, in fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*):

- where fishing is conducted using anchored floating nets and drift nets, to use more than 600 nets at once per vessel, the length of each net not exceeding 35 metres measured in the gear's headrope. In addition to the number of nets permitted for fishing, not more than 100 reserve nets may be kept on board,
- where fishing is conducted by means of drifting lines or anchored lines, to use more than 2 000 hooks at once per vessel.

Hooks on drifting lines and anchored lines shall have a minimum distance between the point and the shaft of at least 19 mm.

In addition to the number of hooks permitted in fishing, a maximum of 200 reserve hooks may be kept on board.

General provisions

Article 10

1. It shall be prohibited to fish directly for cod and flatfish (*Pleuronectidae*) with the intention of landing them for purposes other than human consumption.

2. Explosives, poisonous or stupefying substances may not be used for the purpose of catching fish.

3. It shall be prohibited to use anchored or drifting gear without marking it with buoys or other identification marks.

4. It shall be prohibited to release exotic species into the Baltic Sea, the Belts and the Sound or to fish for exotic species and sturgeon, unless authorised by the rules adopted in accordance with the procedure referred to in Article 13 and with the obligations arising from the Gdansk Convention. Exotic species are defined as those which do not occur naturally in the Baltic Sea, the Belts and the Sound.

Article 11

This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State or Member States concerned and of which the Commission and the Member State or Member States in whose waters the research is carried out have been informed in advance.

Fish, crustaceans and molluscs caught for the purposes specified in the first paragraph may be sold, stored, displayed or offered for sale provided that:

- they meet the standards laid down in Annexes II and III and the marketing standards adopted pursuant to Article 2 of Regulation (EEC) No 3759/92⁽¹⁾, or
- they are sold directly for purposes other than human consumption.

A vessel conducting any of the operations referred to in the first paragraph must carry on the board an authorisation issued by the Member State whose flag the vessel is flying.

⁽¹⁾ Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products (OJ L 388, 31.12.1992, p. 1). Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

Article 12

This Regulation shall not apply to fishing operations carried out during the course of artificial restocking or transplantation of fish, crustaceans or molluscs.

Fish, crustaceans and molluscs caught for the purposes set out in the first paragraph may not be sold for human consumption in contravention of the other provisions of this Regulation.

Article 13

1. Member States may take measures for the conservation and management of stocks where such measures concern:

- (a) strictly local stocks of value only to the fishermen of the relevant Member State; or
- (b) conditions or procedures designed to limit catches by technical measures:
 - (i) supplementing those defined in Community fisheries Regulations; or
 - (ii) going beyond minimum requirements set out in such Regulations,

provided that such measures are applicable solely to the fishermen of the Member State concerned, are compatible with Community law and consistent with the common fisheries policy or with obligations under the Gdansk Convention.

2. The Commission shall be informed of any draft for the introduction or amendment of national technical measures early enough to make its comments.

If within one month after such notification the Commission so requests, the Member State concerned shall suspend the entry into force of the planned measures for three months from the date of notification to enable the Commission to rule within this time limit on the compatibility of the measures with the provisions of paragraph 1.

Where the Commission finds, in a decision of which it must inform the other Member States, that a planned measure does not comply with the provisions of paragraph 1, the Member State concerned may not implement the measure without making the necessary changes.

The Member State concerned shall communicate without delay to the other Member States and the Commission the measures adopted, where appropriate after making the necessary changes.

3. The Member States shall supply to the Commission, on its request, all information needed for the assessment of whether the national technical measures comply with the provisions of paragraph 1.

4. At the initiative of the Commission or on a request from any Member State, the question of whether a national technical measure implemented by a Member State complies with the provisions of paragraph 1 may be referred to the Management Committee for examination in accordance with Article 17 of Regulation (EEC) No 3760/92, and a decision may be taken in accordance with the procedure laid down in Article 18 of that Regulation. Where such a decision is taken, the third and fourth subparagraphs of paragraph 2 shall apply *mutatis mutandis*.

5. Where the Commission finds that a measure notified does not comply with the provisions of paragraph 1, it shall adopt a decision, within not more than one year from the date of notification of the measure, to the effect that the Member State must terminate or amend the measure within a time limit which the Commission shall indicate. The provisions of the fourth subparagraph of paragraph 2 shall apply *mutatis mutandis*.

6. Measures concerning aquaculture and fishing from the shore shall be notified by the Member State to the Commission for information purposes only.

'Aquaculture' shall be taken to mean the farming of fish, crustaceans or molluscs in salt or brackish water.

Article 14

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 15

Regulation (EEC) No 1866/86 is hereby repealed.

References to the said Regulation shall be construed as references to this Regulation and should be read in accordance with the correlation table set out in Part A of Annex VI.

Article 16

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

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

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

ANNEX I

SUBDIVISIONS OF THE GEOGRAPHICAL AREA REFERRED TO IN ARTICLE 1

Subdivision 22

The waters bounded by a line drawn from Hasenøre Head ($56^{\circ} 09' \text{ N}$, $10^{\circ} 44' \text{ E}$) on the east coast of Jutland to Gniben Point ($56^{\circ} 01' \text{ N}$, $11^{\circ} 18' \text{ E}$) on the west coast of Zealand; then along the west coast and south coast of Zealand to a point situated at longitude $12^{\circ} 00' \text{ E}$; from there, due south to the island of Falster; then along the east coast of the island of Falster to Gedser Odde ($54^{\circ} 34' \text{ N}$, $11^{\circ} 58' \text{ E}$); then due east to longitude $12^{\circ} 00' \text{ E}$; then due south to the coast of Germany; then in a south-westerly direction along the coast of Germany and the east coast of Jutland as far as the point of departure.

Subdivision 23

The waters bounded by a line drawn from Gilbjerg Head ($56^{\circ} 08' \text{ N}$, $12^{\circ} 18' \text{ E}$) on the north coast of Zealand to Kullen ($56^{\circ} 18' \text{ N}$, $12^{\circ} 28' \text{ E}$) on the coast of Sweden; then in a southerly direction along the coast of Sweden to the Falsterbo lighthouse ($55^{\circ} 23' \text{ N}$, $12^{\circ} 50' \text{ E}$); then through the southern entrance to the Sound to the Stevns lighthouse ($55^{\circ} 19' \text{ N}$, $12^{\circ} 28' \text{ E}$) on the coast of Zealand; then in a northerly direction along the east coast of Zealand as far as the point of departure.

Subdivision 24

The waters bounded by a line drawn from the Stevns lighthouse ($55^{\circ} 19' \text{ N}$, $12^{\circ} 28' \text{ E}$) on the east coast of Zealand through the southern entrance to the Sound to the Falsterbo lighthouse ($55^{\circ} 23' \text{ N}$, $12^{\circ} 50' \text{ E}$) on the coast of Sweden; then along the south coast of Sweden to the Sandhammaren lighthouse ($55^{\circ} 24' \text{ N}$, $14^{\circ} 12' \text{ E}$); from there to the Hammerodde lighthouse ($55^{\circ} 18' \text{ N}$, $14^{\circ} 47' \text{ E}$) on the north coast of Bornholm; then along the west and south coasts of Bornholm to a point situated at longitude $15^{\circ} 00' \text{ E}$; from there due south to the coast of Poland; then in a westerly direction along the coasts of Poland and Germany to a point situated at longitude $12^{\circ} 00' \text{ E}$; then due north to a point situated at latitude $54^{\circ} 34' \text{ N}$ and longitude $12^{\circ} 00' \text{ E}$; then due west to Gedser Odde ($54^{\circ} 34' \text{ N}$, $11^{\circ} 58' \text{ E}$); from there, along the east and north coast of the island of Falster to a point situated at longitude $12^{\circ} 00' \text{ E}$; from there, due north to the south coast of Zealand; then in a westerly and northerly direction along the west coast of Zealand as far as the point of departure.

Subdivision 25

The waters bounded by a line drawn from a point on the east coast of Sweden at latitude $56^{\circ} 30' \text{ N}$ and proceeding due east to the west coast of the island of Öland; then, after passing south of the island of Öland to a point on the east coast situated at latitude $56^{\circ} 30' \text{ N}$, due east to longitude $18^{\circ} 00' \text{ E}$; then due south to the coast of Poland; then in a westerly direction along the coast of Poland to a point situated at longitude $15^{\circ} 00' \text{ E}$; then due north to the island of Bornholm; then along the south and west coasts of Bornholm to the Hammerodde lighthouse ($55^{\circ} 18' \text{ N}$, $14^{\circ} 47' \text{ E}$); then to the Sandhammaren lighthouse ($55^{\circ} 24' \text{ N}$, $14^{\circ} 12' \text{ E}$) on the south coast of Sweden; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 26

The waters bounded by a line drawn from a point situated at latitude $56^{\circ} 30' \text{ N}$ and longitude $18^{\circ} 00' \text{ E}$ and proceeding due east to the west coast of the former USSR; then in a southerly direction along the coasts of the former USSR and Poland to a point on the Polish coast situated at longitude $18^{\circ} 00' \text{ E}$; then due north as far as the point of departure.

Subdivision 27

The waters bounded by a line drawn from a point on the east mainland coast of Sweden situated at latitude $59^{\circ} 41' \text{ N}$ and longitude $19^{\circ} 00' \text{ E}$ and proceeding due south to the north coast of the island of Gotland; then in a southerly direction along the west coast of Gotland to a point situated at latitude $57^{\circ} 00' \text{ N}$; then due west to longitude $18^{\circ} 00' \text{ E}$; then due south to latitude $56^{\circ} 30' \text{ N}$; then due west to the east coast of the island of Öland; then, after passing south of the island of Öland, to a point on its west coast situated at latitude $56^{\circ} 30' \text{ N}$; then due west to the coast of Sweden; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 28

The waters bounded by a line drawn from a point situated at latitude 58° 30' N and longitude 19° 00' E and proceeding due east to the west coast of the island of Saaremaa; then, after passing north of the island of Saaremaa, to a point on its east coast situated at latitude 58° 30' N; then due east to the coast of the former USSR; then in a southerly direction along the west coast of the former USSR to a point situated at latitude 56° 30' N; then due west to longitude 18° 00' E; then due north to latitude 57° 00' N; then due east to the west coast of the island of Gotland; then in a northerly direction to a point on the north coast of Gotland situated at longitude 19° 00' E; then due north as far as the point of departure.

Subdivision 29

The waters bounded by a line drawn from a point on the east mainland coast of Sweden situated at latitude 60° 30' N and proceeding due east to the mainland coast of Finland; then in a southerly direction along the west and south coasts of Finland to a point on the south mainland coast situated at longitude 23° 00' E; then due south to latitude 59° 00' N; then due east to the mainland coast of the former USSR; then in a southerly direction along the west coast of the former USSR to a point situated at latitude 58° 30' N; then due west to the east coast of the island of Saaremaa; then, after passing north of the island of Saaremaa, to a point on its west coast situated at latitude 58° 30' N; then due west to longitude 19° 00' E; then due north to a point on the east mainland coast of Sweden situated at latitude 59° 41' N; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 30

The waters bounded by a line drawn from a point on the east coast of Sweden situated at latitude 63° 30' N and proceeding due east to the mainland coast of Finland; then in a southerly direction along the coast of Finland to a point situated at latitude 60° 30' N; then due west to the mainland coast of Sweden; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 31

The waters bounded by a line drawn from a point on the east coast of Sweden situated at latitude 63° 30' N and proceeding, after passing north of the Gulf of Bothnia, to a point on the west mainland coast of Finland situated at latitude 63° 30' N; then due west as far as the point of departure.

Subdivision 32

The waters bounded by a line drawn from a point on the south coast of Finland situated at longitude 23° 00' E and proceeding, after passing east of the Gulf of Finland, to a point on the west coast of the former USSR situated at latitude 59° 00' N; then due west to longitude 23° 00' E; then due north as far as the point of departure.

ANNEX II

BOUNDARIES OF CERTAIN GEOGRAPHICAL AREAS REFERRED TO IN ARTICLE 2

Boundaries of the geographical areas, in the Sound, the Great Belt and the Little Belt, as regards fishing for female flounder and female plaice:

- Falsterbo lighthouse — Stevns lighthouse
- Jungshoved — Bøgenæssand
- Hestehoved lighthouse — Maddes Klint
- Skelby church — Flinthorne Odde
- Kappel church — Gulstav
- Ristingehale — Ærøhale
- Skjoldnæs — Pøls Huk
- Christian X bridge, Sønderborg

ANNEX III

MINIMUM SIZES REFERRED TO IN ARTICLE 3(1)

Species	Waters	Minimum size
Cod (<i>Gadus morhua</i>)	All subdivisions south of latitude 59° 30' N	35 cm
Flounder (<i>Platichthys flesus</i>)	Subdivisions 22 to 25	25 cm
	Subdivisions 26 to 28	21 cm
	Subdivisions 29 and 32 south of latitude 59° 30' N	18 cm
Plaice (<i>Pleuronectes platessa</i>)	Subdivisions 22 to 25	25 cm
	Subdivisions 26 to 28	21 cm
	Subdivisions 29 and 32 south of latitude 59° 30' N	18 cm
Turbot (<i>Psetta maxima</i>)	Subdivisions 22 to 32	30 cm
Brill (<i>Scophthalmus rhombus</i>)	Subdivisions 22 to 32	30 cm
Eel (<i>Anguilla anguilla</i>)	Subdivisions 22 to 32	35 cm
Salmon (<i>Salmo salar</i>)	Subdivisions 22 to 32	60 cm

ANNEX IV

MINIMUM MESH SIZE PROVIDED FOR IN ARTICLE 5

Species	Waters	Type of net	Minimum mesh size. Length of long diagonal
Cod (<i>Gadus morhua</i>)	Subdivisions 22 to 32	Gillnets	105 mm
	Subdivisions 22 to 32	Trawls, Danish seines and similar nets ⁽¹⁾	105 mm
	Subdivisions 22 to 32	Trawls, Danish seines and similar nets	120 mm ⁽²⁾
Flatfish (<i>Pleuronectidae</i>)	Subdivisions 22 to 27	Trawls, Danish seines, similar nets and gillnets	120 mm ⁽²⁾ ⁽³⁾
	Subdivision 28	Trawls, Danish seines, similar nets and gillnets	110 mm
	Subdivisions 29 and 32 south of latitude 59° 30' N	Gillnets	100 mm
		Trawls, Danish seines and similar nets	110 mm
	Subdivisions 22 to 32	Trawls, Danish seines and similar nets ⁽¹⁾	105 mm ⁽⁴⁾
Herring (<i>Clupea harengus</i>)	Subdivisions 22 to 27	Trawls, Danish seines and similar nets	32 mm
	Subdivisions 28 and 29 south of latitude 59° 30' N	Trawls, Danish seines and similar nets	28 mm
	Subdivisions 30 to 32 and subdivision 29 north of latitude 59° 30' N	Trawls, Danish seines and similar nets	16 mm
Sprat (<i>Sprattus sprattus</i>)	Subdivisions 22 to 32	Trawls, Danish seines and similar nets	16 mm
Salmon (<i>Salmo salar</i>)	Subdivisions 22 to 32	Anchored floating nets and driftnets	157 mm

⁽¹⁾ Nets fitted with devices such as exit windows or structures that comply with the provisions of Annex V, capable of guaranteeing a 50 % retention length of not less than 38 cm.

⁽²⁾ Mesh size applicable to all meshes in the final 8 m of the codend, measured from the codline, the meshes being stretched according to the longitudinal centreline of the net.

⁽³⁾ With the exception of subdivisions 22 and 23 where sole-fishing is authorised with a mesh size not smaller than 90 mm.

⁽⁴⁾ With the exception of subdivisions 22 to 24 where normal trawls and Danish seines with a mesh opening of 90 mm are allowed.

ANNEX V

SPECIAL SELECTIVITY DEVICES

In order to guarantee the selectivity of trawls, Danish seines and similar nets with special mesh openings as referred to in Annex IV, the two models of exit windows below are authorised:

Exit window (model 1)

Two exit windows with plastic coated, fully opened diamond meshes shall be attached to the codend of trawls and Danish seines in the cod fishery. The mesh opening shall be no less than 105 mm. The exit windows shall be attached with a separate piece of netting (between the ordinary diamond meshes and the meshes of the exit window). The mesh size of the separate netting shall be identical to the bar length of the exit window times the square root of two.

The exit window shall be attached on both sides of the codend, and the distance between the rear end of the codend and the window shall be 40 to 50 cm. The length of the window shall be 80 % of the total length of the codend and the height of the window shall be 50 cm. The window shall be mounted in a way that gives an opening between the upper and lower seams of the window of 15 to 20 cm.

Exit window (model 2)*Identification*

The windows shall be rectangular sections of netting in the codend. There shall be two windows in the codend.

Size

Each window shall have a minimum width of 45 cm along its entire length. Each window shall have a minimum length of 3,5 m measured along its sides (Figure 1 of diagram 2).

Netting

The meshes in the windows shall have a minimum size of 105 mm. They shall be square meshes, i.e. all four sides of the window netting will be cut by all bars (Figure 2 of diagram 2). The netting shall be mounted such that the bars run parallel and perpendicular to the length of the codend (Figure 2). The window width shall be eight open square meshes. The length shall be between 57 and 62 square meshes (Figure 2 of diagram 2).

Location

The codend shall be divided into upper and lower panels by selvedges running down the port and starboard sides (Figure 1 of diagram 2). The two windows shall be located in the lower panel, immediately adjacent to and below the selvedges (Figure 1 of diagram 2). The windows shall terminate a minimum of 2 m and a maximum of 2,5 m from the codline.

The forward end of the window shall be joined to eight meshes' width of the normal codend netting (Figure 3 of diagram 2). One side shall join to the selvedge or be joined immediately adjacent to the selvedge and the other side shall be joined to the normal codend lower panel netting following a straight line of meshes all knots cut.

Mesh size in the whole codend

All parts of the codend shall conform to a minimum mesh size of 105 mm.

Diagram 1

Exit window — Model 1

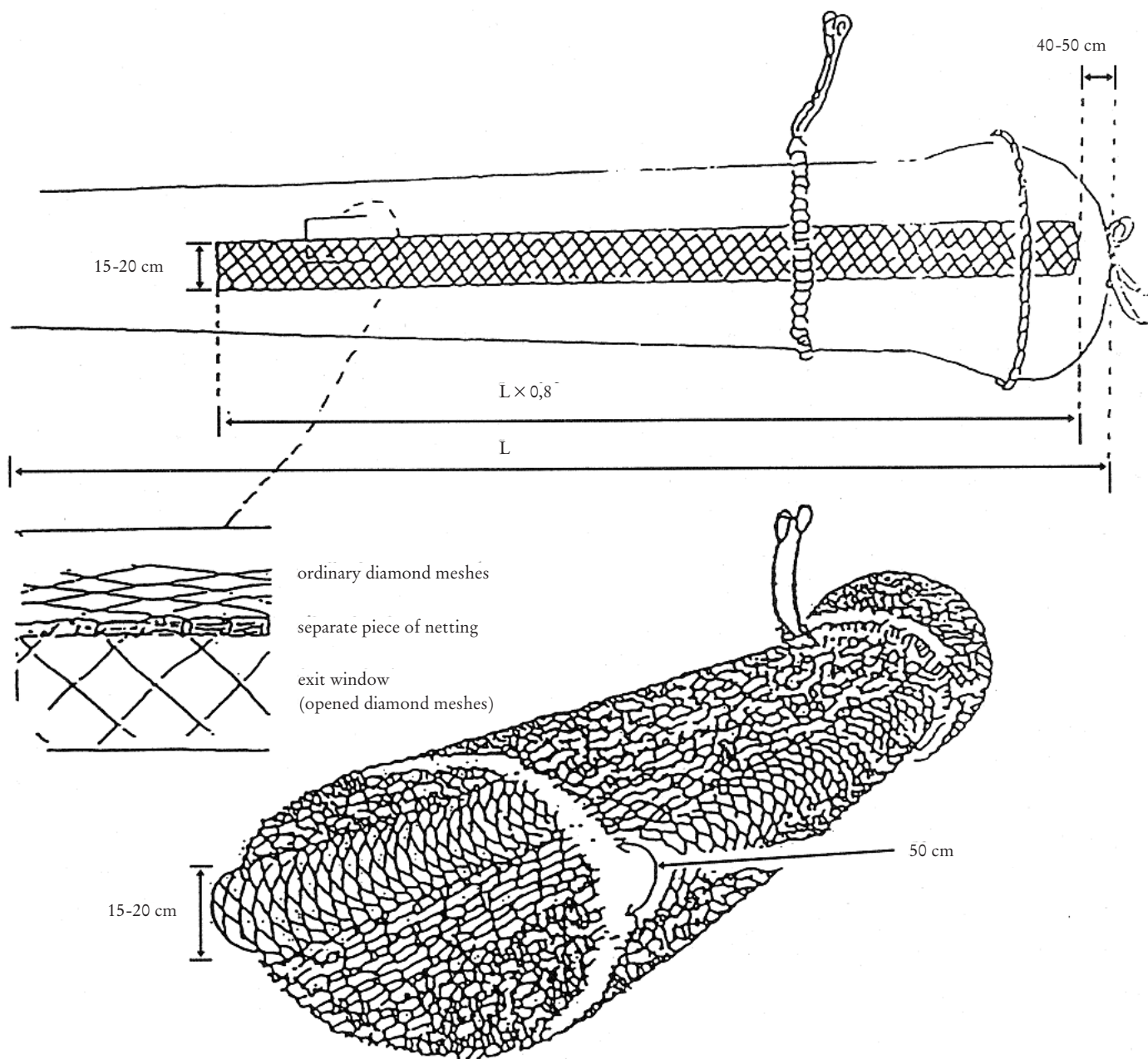
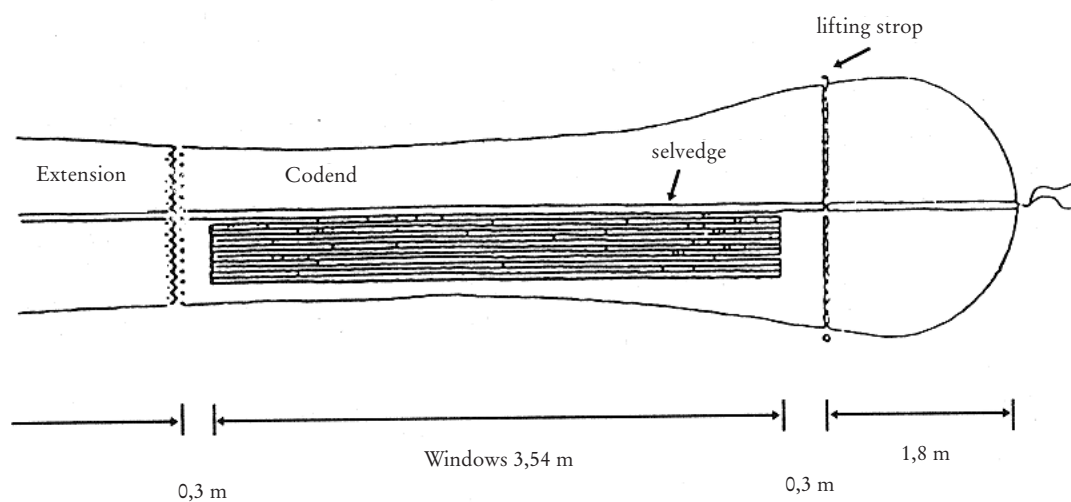


Diagram 2

Exit window — Model 2

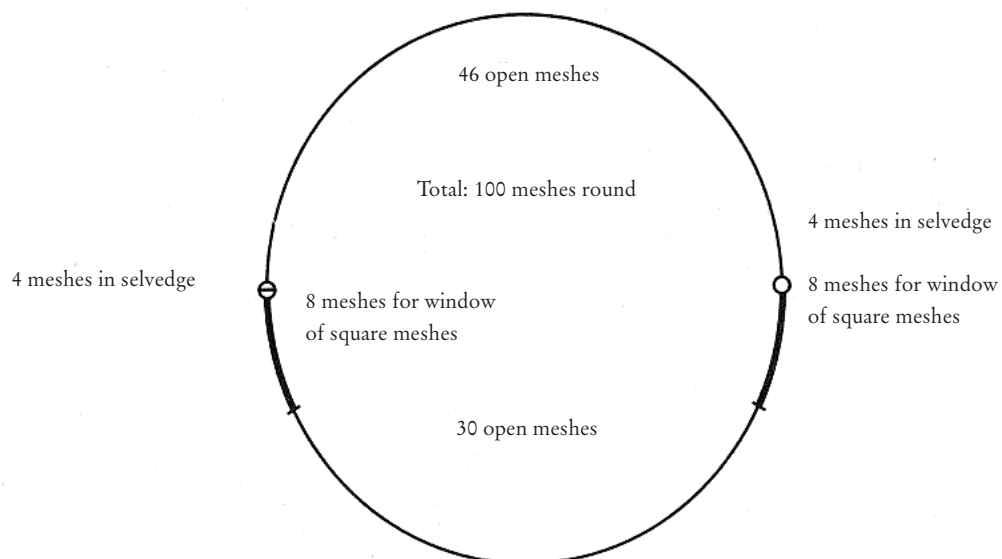
Figure 1: Position of the square mesh windows in the codend

A suggested specification



Square mesh windows are 0,48 m high

Codend cross section



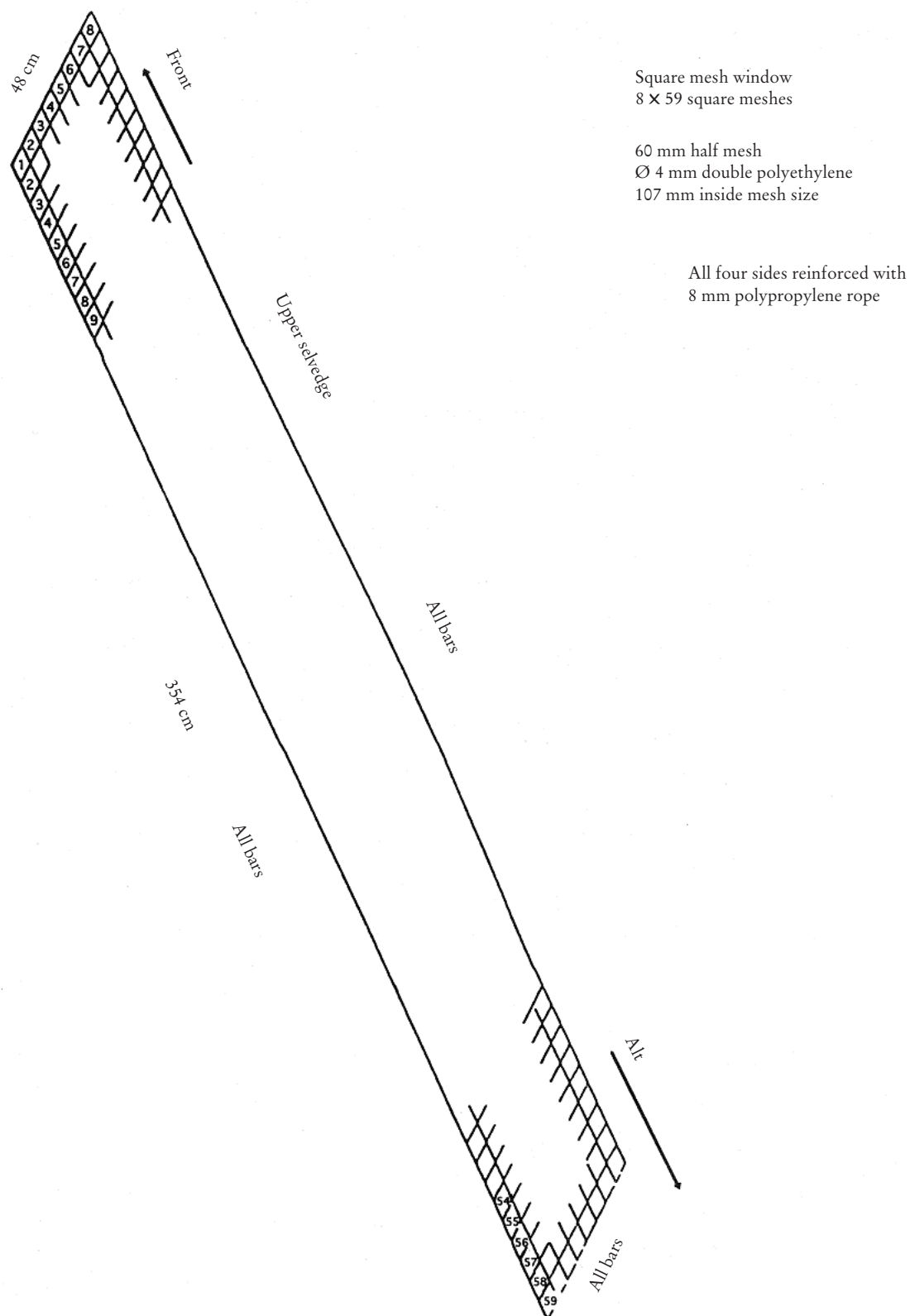
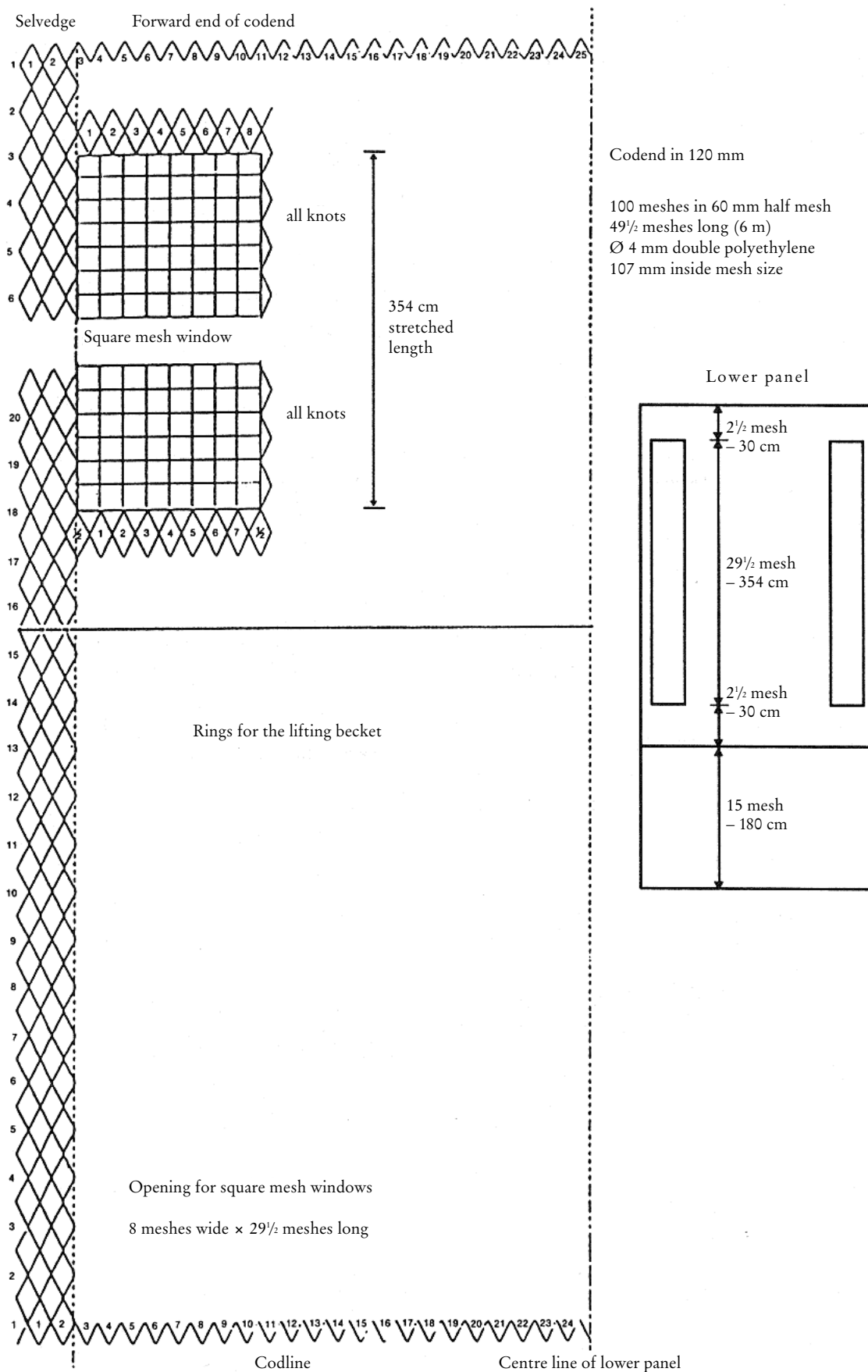
*Figure 2: Netting in the square mesh windows**A suggested specification*

Figure 3: Inserting the window in the codend

A suggested specification



ANNEX VI

PART A

CORRELATION TABLE

Regulation (EEC) No 1866/86	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(1a)	—
Article 2(2)	Article 2(2)
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13	Article 13
Article 14	Article 14
—	Article 15
—	Article 16
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
Annex IV (a)	—
Annex IV (b)	Annex IV
Annex V	Annex V
—	Annex VI

PART B

REGULATIONS AMENDING REGULATION (EEC) No 1866/86

	Official Journal		
	No	page	date
Council Regulation (EEC) No 2244/87 of 23 July 1987	L 207	15	29. 7. 1987
Council Regulation (EEC) No 2178/88 of 18 July 1988	L 191	7	22. 7. 1988
Council Regulation (EEC) No 887/89 of 5 April 1989	L 94	4	7. 4. 1989
Council Regulation (EEC) No 2156/91 of 15 July 1991	L 201	1	24. 7. 1991
Council Regulation (EC) No 2250/95 of 18 September 1995	L 230	1	27. 9. 1995
Council Regulation (EC) No 1821/96 of 16 September 1996	L 241	8	21. 9. 1996

COMMISSION REGULATION (EC) No 89/98**of 14 January 1998****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 14 January 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	57,1
	212	106,6
	624	113,5
	999	92,4
0707 00 05	624	201,3
	999	201,3
0709 10 00	220	177,9
	999	177,9
0709 90 70	052	122,1
	204	149,7
	999	135,9
0805 10 10, 0805 10 30, 0805 10 50	052	36,0
	204	43,4
	212	48,0
	220	45,8
	448	26,6
	600	48,1
	624	45,3
	999	41,9
0805 20 10	052	61,8
	204	66,4
	624	78,1
	999	68,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	77,9
	204	73,5
	464	136,3
	600	85,8
	624	78,8
	999	90,5
0805 30 10	052	74,0
	400	82,4
	528	32,4
	600	81,2
	999	67,5
0808 10 20, 0808 10 50, 0808 10 90	060	46,8
	400	90,9
	404	90,5
	720	124,9
	728	83,2
	999	87,3
	052	76,3
0808 20 50	064	97,8
	400	102,8
	999	92,3

⁽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 90/98

of 14 January 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 1599/96⁽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 rep-

resentative 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 15 January 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽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, 14 January 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⁾	8,16	—	0,05
1703 90 00 ⁽¹⁾	10,95	—	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 91/98
of 14 January 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 1599/96 ⁽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 15/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 15/98 to the informa-

tion 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 15/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 4, 8. 1. 1998, p. 19.

ANNEX

to the Commission Regulation of 14 January 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	36,66 ⁽¹⁾
1701 11 90 9910	33,34 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,66 ⁽¹⁾
1701 12 90 9910	33,34 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3985
	— ECU/100 kg —
1701 99 10 9100	39,85
1701 99 10 9910	39,63
1701 99 10 9950	39,63
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3985

⁽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 92/98**of 14 January 1998****fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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 1599/96⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 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 1408/97 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 22nd 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 22nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 42,660 per 100 kilograms.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 93/98
of 14 January 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 organization of the market in fruit and vegetables⁽¹⁾,

Having regard to Council Regulation (EC) No 903/97 of 21 May 1997 concerning a protective measure applicable to imports of garlic from China⁽²⁾, and in particular Article 1 (3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽³⁾, as amended by Regulation (EC) No 1662/94⁽⁴⁾, 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 903/97, 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 1997 to 31 May 1998;

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for on 8 January 1998 is in excess of the maximum monthly quantity given in the Annex to

that Regulation for the month of January 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 8 January 1998 and before 5 February 1998 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 8 January 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 0,05248 % of the quantity applied for, having regard to the information available to the Commission on 12 January 1998.

For the abovementioned products applications for import licences lodged after 8 January 1998 and before 5 February 1998 shall be refused.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 130, 22. 5. 1997, p. 6.

⁽³⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁴⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 94/98
of 14 January 1998
on olive oil storage contracts for the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 20d(3) and (4) thereof,

Whereas Article 20d(3) of Regulation No 136/66/EEC provides that, when certain conditions are met, a decision may be taken that producer groups and associations recognised pursuant to Council Regulation (EEC) No 1360/78⁽³⁾, as last amended by Regulation (EC) No 3669/93⁽⁴⁾, may conclude storage contracts for olive oil; whereas the market prices in certain producer Member States, at the production stage and primarily for the quality of olive oil which is of greatest importance in terms of the prices of most of the olive oils consumed in the Community, have been found to be close to the intervention price; whereas therefore the conditions laid down by Regulation No 136/66/EEC and Commission Regulation (EEC) No 314/88⁽⁵⁾, as amended by Regulation (EEC) No 3788/89⁽⁶⁾, are met in those Member States; whereas permission to conclude storage contracts should therefore be granted for this marketing year;

Whereas the aim behind private storage contracts is temporary withdrawal of products from a market in imbalance, without change of ownership, so that they can be put on the market again when the situation has returned to normal; whereas it should therefore be specified that storage contracts may be entered into only for olive oil produced during the current marketing year and ceilings for each country should be fixed;

Whereas only recognized groups and associations may be authorised to store oil produced by their members; whereas in order to enable them to refrain from marketing the oil that they hold, aid should be granted;

Whereas the aim behind private storage must be the improved marketing of olive oil; whereas the period during which storage contracts may be concluded should therefore be restricted; whereas, moreover, the offering of oil for intervention on expiry of the storage contract should be discouraged; whereas it is accordingly desirable to reduce the storage aid if the oil is subsequently offered for intervention;

Whereas it is desirable to specify that entitlement to aid for a storage contract is annulled by the acceptance of an export declaration;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies in the producer Member States shall conclude olive oil storage contracts for the 1997/98 marketing year as provided for in this Regulation.

Article 2

1. Storage contracts (hereinafter called 'contracts') shall be concluded only with recognised groups or associations within the meaning of Regulation (EEC) No 1360/78 which hold olive oil of Community origin produced by their own members and which have appropriate storage facilities at their disposal.

2. Contracts shall relate only to olive oil qualities that may be offered for intervention and to lots of at least 100 tonnes net.

3. Contracts shall be concluded for a period of 60 days. They shall be automatically renewed for 60-day periods if the party concerned does not, before expiry of the period, ask the intervention agency to cancel the contract, always

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 166, 23. 6. 1978, p. 1.

⁽⁴⁾ OJ L 338, 31. 12. 1993, p. 26.

⁽⁵⁾ OJ L 31, 3. 2. 1988, p. 16.

⁽⁶⁾ OJ L 367, 16. 12. 1989, p. 44.

provided that the new expiry date is not later than 31 October 1998 and, except where the possibility of concluding new contracts or renewing them is suspended, as provided for in Regulation (EEC) No 314/88.

4. The maximum quantity that may be covered by contracts at any one time during the 1997/98 marketing year shall be 100 000 tonnes, broken down as follows:

- 70 000 tonnes in Italy,
- 30 000 tonnes in Greece.

Article 3

1. With a view to conclusion of a contract, a written application must be lodged, by 19 May 1998 at the latest, with the intervention agency of the Member State in which the olive oil is located. It must be accompanied by proof that security of ECU 1 per 100 kilograms of oil has been lodged.

2. Applications must be lodged on Mondays or Tuesdays of each week. On Thursdays, by 2 p.m. Brussels time at the latest, Member States shall notify the Commission of the quantities for which valid applications have been made and for which contracts expired in the previous week.

The Commission shall each week total the quantities for which applications have been made and shall, until exhaustion of the maximum quantity specified in Article 2(4), authorize Member States to accept the applications made. Should there be a risk of exhaustion of the quantity it shall authorise acceptance proportionally to the quantities applied for within the limit of the quantity available.

3. After authorisation by the Commission, contracts shall be concluded without discrimination and as rapidly as possible. The date of conclusion of the contract shall be that on which notification of acceptance of the relevant application is sent by the intervention agency. The date of commencement of the contract shall be the day following the date of conclusion, unless the applicant has requested a later date.

4. Only olive oil produced in the Community during the current marketing year may be the subject of a contract.

Article 4

1. Contracts shall be drawn up in two copies and shall include the following information:

- (a) the business name of the co-contracting party;
- (b) its full postal address;
- (c) the name and address of the intervention agency;
- (d) the exact address of the place of storage;
- (e) the number and individual particulars of the lots covered by the contract and the net weight and quality of each lot;
- (f) the consent of the owner of the oil stored, if the co-contracting party is not himself the owner;
- (g) the date of commencement of the contract;
- (h) the reference to this Regulation;
- (i) the date of conclusion of the contract.

2. Contracts shall make the following obligations incumbent upon the co-contracting party:

- (a) that of holding in store during the period stipulated the agreed quantity of the relevant product on his own behalf and at his own risk in containers specified in the contract, any change to be authorized by the intervention agency;
- (b) that of storing oils of differing qualities in separate and identifiable containers;
- (c) that of allowing the intervention agency to verify at any time that the obligations laid down in the contract are in fact being complied with.

3. The co-contracting party may, at any time, cancel the contract by notifying the intervention agency. He shall thereby lose entitlement to aid for the current 60-day period.

4. The obligation of compliance with the quantity shown in the contract shall be deemed to be met if at least 98 % of that quantity has been maintained in store.

Article 5

1. For each 60-day period, the following aid shall be granted:

- ECU 5,4 per 100 kilograms if the storage agency provides evidence, within 60 days following the date of expiry of the contract, that the olive oil has been placed on the market,
- ECU 0 per 100 kilograms in all other cases.

2. For the purposes of this Regulation 'placed on the market' means that the oil has either been sold and delivered to a packaging plant approved pursuant to Commission Regulation (EEC) No 2677/85⁽¹⁾ or to a refiner or has been exported.

⁽¹⁾ OJ L 254, 25. 9. 1985, p. 5.

3. An amount of ECU 1 per 100 kilograms may be paid in advance on conclusion or renewal of the contract against security for an equivalent amount.

4. The rate applicable for the conversion into national currency for the amount of the storage aid shall be the agricultural conversion rate in force on the day of conclusion of the contract.

5. The amount of the aid shall be calculated by reference to the net weight ascertained on the date of commencement of the contract.

Article 6

1. Subject to Article 7, the aid shall be paid only where all the obligations in the contract have been complied with.

The aid shall be paid, and the securities specified in Articles 3(1) and 5(3) released, after verification of compliance with the said obligations, within 60 days following expiry of the contract.

2. Acceptance of an export declaration shall terminate the storage arrangement. In this case no aid shall be paid for the period in progress at the time of such acceptance for the quantity entered in the export declaration.

Article 7

1. In cases of *force majeure*, the intervention agency shall determine what action is deemed necessary given the circumstances invoked. Such action may, in particular, involve payment of the aid due *pro rata* for the quantity stored and the actual period of storage.

2. Member States shall inform the Commission of all cases they deem to be cases of *force majeure* and of the action taken in each case.

Article 8

1. The Member States shall take all action necessary to ensure, throughout the contractual storage period, verification of compliance with the obligations laid down in the contract. Such verification shall include physical inspection of the goods in store, removed from store or placed in store and verification of the appropriate registers.

Physical inspection shall include verification that the stocks meet the requirements specified in Article 2(2) and are capable of identification, and checks as to whether the quantities stored and marked tally with the quantities declared.

2. Failure to comply with the contractual obligations shall entail forfeiture of the security specified in Article 3 (1), without prejudice to any other penalties applicable.

3. Member States shall notify to the Commission national measures adopted in implementation of this Regulation, with a specimen of the contract.

Article 9

Member States shall notify the Commission by the 10th of each month:

- of the quantities and qualities of olive oil for which contracts have been concluded or renewed during the preceding month,
- by quality, of the total quantities of olive oil in storage at the end of the preceding month, and the total number of current contracts.

Article 10

This Regulation shall enter into force on the third 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, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 95/98
of 14 January 1998
amending Regulation (EC) No 2133/96 as regards the deadline for payment of the
second instalment of the special temporary allowance

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

Having regard to Council Regulation (EEC) No 3438/92 of 23 November 1992 laying down special measures for the transport of certain fresh fruit and vegetables originating in Greece ⁽¹⁾, as last amended by Regulation (EC) No 1600/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2133/96 ⁽³⁾ lays down detailed rules for the application of the special measures for the transport of certain fresh fruit and vegetables originating in Greece and dispatched in 1996;

Whereas, owing to administrative difficulties arising from the management of those measures, the competent Greek authorities have not been able to pay the second instalment of the special temporary allowance by the deadline laid down in Article 3(3) of that Regulation; whereas the

deadline for that payment should accordingly be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(3) of Regulation (EC) No 2133/96, '15 October 1997', is hereby replaced by '31 January 1998'.

Article 2

This Regulation shall enter into force on the third 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, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 350, 1. 12. 1992, p. 1.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 45.

⁽³⁾ OJ L 285, 7. 11. 1996, p. 13.

COMMISSION REGULATION (EC) No 96/98

of 14 January 1998

amending Regulation (EC) No 28/97 and assessing requirements for the supply of certain vegetable oils (other than olive oil) for the processing industry in the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2(6) thereof,

Whereas Commission Regulation (EC) No 28/97 of 9 January 1997 laying down detailed rules for implementation of the specific measures for the supply of certain vegetable oils for the processing industry in the French overseas departments and assessing supply requirements⁽³⁾ establishes the supply requirements of those products for 1997;

Whereas Article 2 of Regulation (EEC) No 3763/91 requires that supply requirements for agricultural products essential for consumption and processing be established each year; whereas, therefore, the supply requirements of vegetable oils intended for the processing industry in the French overseas departments should be established for 1998;

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

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

Article 1

Regulation (EC) No 28/97 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

For the purposes of Article 2 of Regulation (EEC) No 3763/91, the quantity of the assessment of supply requirements of vegetable oils (other than olive oil) for the processing industry falling within CN codes 1507 to 1516 (except 1509 and 1510) exempt from customs duty when imported into the French overseas departments or entitled to aid when brought in from elsewhere in the Community is hereby fixed and allocated as indicated in the Annex hereto.

The French authorities may adjust this allocation by an amount not exceeding 20 % of the quantity for each department. They shall inform the Commission thereof;

2. the Annex is replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 1 January 1998.

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 6, 10. 1. 1997, p. 15.

*ANNEX**ANNEX*

Assessment of supply requirements of vegetable oils (other than olive oil) for the processing industry falling within CN codes 1507 to 1516 (except 1509 and 1510) for the French overseas departments for 1998

Department	Quantity (in tonnes)
French Guiana	400
Martinique	2 000
Réunion	8 000
Guadeloupe	300
Total	10 700'

COMMISSION REGULATION (EC) No 97/98**of 14 January 1998****concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania ⁽³⁾, as last amended by Regulation (EC) No 32/98 ⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the

annual quota; whereas applications for import licences submitted on 12 January 1998 for common wheat from the Republic of Romania relate to 243 340 tonnes and the maximum quantity which may be imported is 10 580 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Romania' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat falling within CN code 1001 90 99, submitted on 12 January 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,0434783

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

COMMISSION REGULATION (EC) No 98/98**of 14 January 1998****concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania ⁽³⁾, as last amended by Regulation (EC) No 32/98 ⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the

annual quota; whereas applications for import licences submitted on 12 January 1998 for wheat from the Republic of Hungary relate to 29 749 560 tonnes and the maximum quantity which may be imported is 140 960 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat and falling within CN codes 1001 90 99 and 1001 10 00 submitted on 12 January 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,00473822

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

COMMISSION REGULATION (EC) No 99/98**of 14 January 1998****concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania ⁽³⁾, as last amended by Regulation (EC) No 32/98 ⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 12 January 1998 for barley from the Republic of Hungary relate to 2 200 tonnes and the maximum quantity which may be imported is 1 100 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for barley falling within CN code 1003 00 90, submitted on 12 January 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,5.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

COMMISSION REGULATION (EC) No 100/98

of 14 January 1998

specifying the extent to which applications for export licences for products in the beef and veal sector may be accepted

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 (EEC) No 2634/97 ⁽²⁾,

Having regard to 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 and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 2616/97 ⁽⁴⁾, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds is greater than that normally disposed of; whereas it has therefore been decided to reject certain applications for export licences for beef and veal submitted in the period 8 to 14 January 1998 and to no longer accept certain applications with advance fixing of the refund on 15 and 16 January 1998,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 10 (2) of Regulation (EC) No 1445/95:

1. applications for export licences with advance fixing of refunds for products falling within the beef and veal sector, with the exception of those falling within product codes:

— 0102 10 10 9120,
— 0102 10 30 9120,
— 0102 10 90 9120,
— 0102 90 41 9100,
— 0102 90 59 9000,
— 0102 90 71 9000,
— 0102 90 79 9000,
— 0201 10 00 9110,
— 0201 10 00 9130,
— 0201 20 20 9110,
— 0201 20 30 9110,
— 0201 20 50 9110,
— 0201 20 50 9130,
— 0201 30 00 9100,
— 1602 50 31 9125,
— 1602 50 31 9325,
— 1602 50 39 9125,
— 1602 50 39 9325,

submitted in the period 8 to 14 January 1998 shall be rejected.

2. The submission of applications for export licences with advance fixing of the refund for beef and veal product with the exception of those falling within the product codes referred to in point 1 shall be suspended on 15 and 16 January 1998.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ L 353, 24. 12. 1997, p. 8.

COMMISSION REGULATION (EC) No 101/98**of 14 January 1998****fixing the maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1581/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1978/97 ⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 January 1998.

Article 2

This Regulation shall enter into force on 15 January 1998.

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

Done at Brussels, 14 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 14 January 1998 fixing the maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	9,00
1509 10 90 9900	—
1509 90 00 9100	8,00
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 102/98

of 14 January 1998

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1740/97⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97⁽⁶⁾ determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 35,315 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 32,079 per 100 kilograms in Spain,
- ECU 38,138 per 100 kilograms in Greece,
- ECU 70,985 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 15 January 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 244, 6. 9. 1997, p. 1.

⁽⁶⁾ OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 14 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 December 1997

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and methyl bromide for the period 1 January to 31 December 1998, and in addition, allocating placing on the market quotas for hydrochlorofluorocarbons for the period 1 January to 31 December 1998

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

(Text with EEA relevance)

(98/27/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

No 3093/94; whereas these limits may be modified pursuant to Article 7(3);

Having regard to the Treaty establishing the European Community,

Whereas any modification of these quantitative limits may not lead to Community consumption of controlled substances exceeding the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer;

Having regard to Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer⁽¹⁾, and in particular to Articles 4(8) and 7(2) thereof,

Whereas Article 7(1) of Regulation (EC) No 3093/94 states that without prejudice to Article 4(8) and unless the substances are intended for destruction by a technology approved by the Parties, for feedstock use in the manufacture of other chemicals or for quarantine and pre-shipment, the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits;

Whereas Article 4(8) of Regulation (EC) No 3093/94 defines the total calculated level of hydrochlorofluorocarbons (HCFCs) which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 1995 and in each 12-month period thereafter; whereas this corresponds to a quantity of 8 079 ODP tonnes;

Whereas the quantitative limits for the release into free circulation in the Community of controlled substances are set out in Annex II and Article 4(8) of Regulation (EC)

Whereas the Commission is required, under Article 4(8), in accordance with the procedure laid down in Article 16, to assign a quota to each producer or importer when the total quantity of HCFCs which producers and importers place on the market or use for their own account reaches 80% of the quantitative limit established or at the latest on 1 January 2000, whichever comes first;

⁽¹⁾ OJ L 333, 22. 12. 1994, p. 1.

Whereas the 80% threshold has been reached in the year 1997; whereas it is likely that this will also be the case in 1998 making it necessary to assign placing on the market quotas for HCFCs for 1998;

Whereas the Commission is required under Article 7(2) of Regulation (EC) No 3093/94 to allocate quotas for controlled substances to undertakings each year in accordance with the procedure set out in Article 16;

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer⁽¹⁾ and has thereby received applications for import quotas;

Whereas the applications for import quotas of the chlorofluorocarbons 11, 12, 113, 114 and 115 and halons exceed the import quotas available under Article 7(2); therefore the Commission cannot satisfy the applications;

Whereas some of the applications from the producers of ODS in the Community have been made for specific contingency purposes of possible breakdown of production, technical failure and non-availability of the substances in the Community; whereas requests by a producer to import under a contingency quota can only be considered following interruption to normal supply and non-availability of the substances within the Community;

Whereas the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality; whereas, in establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of substances which damage the ozone layer while interfering in the market as little as possible;

Whereas it is appropriate to retain part of the total HCFC placing on the market quota for allocation to importers in the Community who are not engaged in the production of HCFCs; whereas, in 1996, the level of imports by non-producers reached about 3% of the total quota available; whereas the 1997 level is likely to be similar; whereas it is therefore appropriate in 1998 to retain 4% of the total quota for allocation to importers who are not engaged in the production of HCFCs; whereas this corresponds to a quantity of 323 ODP tonnes;

Whereas the HCFC placing on the market quota for each producer in the Community in 1998 shall reflect the market share which that producer reached in 1996, calculated in ODP tonnes; whereas it is appropriate to take 1996 as a base-year, which is the latest year for which data are available, in order to reflect most closely recent market activity by each producer; whereas it is considered appropriate to allocate the total available HCFC quantity

of 7 756 ODP tonnes between producers without leaving a reserve;

Whereas for methyl bromide the import quotas are allocated to the primary importers, considered by the Commission to be the importers who deal directly by way of invoicing with the producers outside the Community; whereas a reserve of 100,5 ODP tonnes of methyl bromide is retained for allocation during 1998 in accordance with the Article 16 procedure;

Whereas import licences shall be issued by the Commission in accordance with Article 6 of the aforesaid Regulation, after verification of compliance by the importer with Articles 7, 8 and 12;

Whereas the release for free circulation in the Community of chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons imported from any State not party is prohibited in accordance with Article 8 of Regulation (EC) No 3093/94;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established by Article 16 of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 0 ODP weighted tonnes.
2. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 1 600 ODP weighted tonnes of virgin material for use as feedstock.
3. The quantity of other fully halogenated chlorofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 0 ODP weighted tonnes.
4. The quantity of halons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 0 ODP weighted tonnes.
5. The quantity of carbon tetrachloride subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 15 235,1 ODP weighted tonnes of virgin material for use as feedstock or as a processing agent.

⁽¹⁾ OJ C 285, 20. 9. 1997, p. 2.

6. The quantity of 1,1,1-trichloroethane subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 0,166 ODP-weighted tonnes of virgin material to be used as feedstock.

7. The quantity of methyl bromide subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 shall be 5 870 ODP weighted tonnes of virgin material for uses other than feedstock and quarantine and preshipment.

8. The quantity of hydrobromofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1998 from sources outside the Community shall be 0 ODP weighted tonnes.

Article 2

1. The quantity of virgin carbon tetrachloride which may be imported by producers of ozone depleting substances in the European Community in 1998 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2 200 ODP weighted tonnes.

2. Any quantity of virgin carbon tetrachloride imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 1 of this Article shall be accounted for as production of carbon tetrachloride.

3. The quantity of virgin 1,1,1-trichloroethane which may be imported by producers of ozone depleting substances in the European Community in 1998 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 2000 ODP weighted tonnes.

4. Any quantity of virgin 1,1,1-trichloroethane which is imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 3 of this Article shall be accounted for as the production of 1,1,1-trichloroethane.

Article 3

1. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers and importers may place on the market or use for their own

account within the Community in 1998 shall be 8 079 ODP tonnes.

2. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers may place on the market or use for their own account within the Community in 1998 shall be 7 756 ODP tonnes.

3. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 to be allocated by the Commission to importers within the Community who are not engaged in the production of HCFCs shall be 323 ODP tonnes.

Article 4

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1998 shall be for the purposes indicated and to the companies indicated in Annex Ia hereto.

2. The allocation of quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1998 shall be to the undertakings indicated in Annex Ib hereto.

3. The import quotas for carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1998 shall be as set out in Annex II⁽¹⁾ hereto.

4. The quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1998 shall be as set out in Annex III⁽¹⁾.

Article 5

This Decision is addressed to the undertakings listed in Annex IV hereto.

Done at Brussels, 16 December 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ Annexes II and III are not published because they contain confidential commercial information.

ANNEX Ia

GROUP I

Import quotas for virgin chlorofluorocarbons 11, 12, 113, 114 and 115 allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock

Company

Zeneca (UK)

GROUP IV

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock

Company

AlliedSignal (NL)

SCING (GR)

Harlow (UK)

Knoll (UK)

Rhône-Poulenc (UK)

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock for contingency purposes

Company

ICI (UK)

GROUP V

Import quotas for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock

Company

Metron (D)

Metron (F)

Metron (UK)

Olin Hunt (B)

Import quota for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for use as feedstock for contingency purposes

Company

Elf Atochem (F)

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 3093/94 for use as soil fumigation and other uses subject to quotas

Company

Albermarle (B)

Alfa Supplies (GR)

Agriquímicos de Levante (E)

Biochem Ibérica (P)

Bromine (UK)

Eurobrom (NL)

Great Lakes (UK)

Mebrom (B)

Neoquímica (P)

ANNEX Ib

Quotas for placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1998 shall be assigned to the undertakings indicated below

Company

AlliedSignal (NL)

Ausimont (I)

DuPont (NL)

Elf Atochem (E, F)

ICI (UK)

Rhône-Poulenc (UK)

Solvay (B, D, F)

SCING (G)

ANNEX IV

AlliedSignal Fluorochemicals Europe BV
Kempenweg 90
NL-6000 AG Weert

Ausimont SpA
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DuPont de Nemours (Nederland) BV
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NL-3300 AC Dordrecht

Elf Atochem SA
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United Kingdom

Solvay Fluor und Derivate GmbH
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Biochem Ibérica
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Great Lakes Chemical (Europe) Ltd
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South Wirral L65 4GD
United Kingdom

Harlow Chemical Company Ltd
Templefields
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United Kingdom

Knoll Pharma Chemicals
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United Kingdom

Mebrom NV
Assenedestraat 4
Ertvelde
B-9940 Rieme

Metron Technology (Deutschland) GmbH
Saturnstraße 48
D-85609 Aschheim

Metron Technology (France) Eurl
ZI de la Marinière
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F-91912 Evry Cedex 9

Metron Technology (UK) Ltd
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United Kingdom

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p/a Adpo
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B-9130 Beveren-Kallo

Zeneca Agrochemicals
Fernhurst Haslemere
Surrey GU27 3JE
United Kingdom