

Official Journal

of the European Communities

ISSN 0378-6978

L 11

Volume 41

17 January 1998

English edition

Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 114/98
of 18 December 1997**

on the conclusion of the Protocol establishing for the period 1 July 1997 to 30 June 2000 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 1 July 1997 to 30 June 2000 was initialled on 25 June 1997;

Whereas it is in the Community's interest to approve the Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing, for the period 1 July 1997 to 30 June 2000, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of

Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation⁽³⁾.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:

France: 19 vessels,
Spain: 10 vessels,
Italy: 1 vessel,

— surface longliners:

Spain: 25 vessels,
Portugal: 5 vessels,

— pole-and-line tuna vessels:

France: 8 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ OJ C 371, 8. 12. 1997.

⁽²⁾ OJ L 188, 16. 7. 1984, p. 2. Agreement as amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ L 29, 30. 1. 1987, p. 1).

⁽³⁾ See page 33 of this Official Journal.

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

COMMISSION REGULATION (EC) No 115/98**of 16 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 17 January 1998.

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

Done at Brussels, 16 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 16 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	58,7
	212	106,3
	624	113,5
	999	92,8
0707 00 05	624	201,3
	999	201,3
0709 10 00	220	177,5
	999	177,5
0709 90 70	052	128,9
	204	140,9
	999	134,9
0805 10 10, 0805 10 30, 0805 10 50	052	34,9
	204	40,7
	212	47,5
	220	47,3
	448	29,7
	600	54,5
	624	65,2
	999	45,7
0805 20 10	052	60,1
	204	61,3
	624	69,0
	999	63,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	85,4
	204	73,5
	464	136,3
	624	80,4
	999	93,9
0805 30 10	052	85,1
	400	82,4
	528	32,4
	600	85,8
	999	71,4
0808 10 20, 0808 10 50, 0808 10 90	060	54,9
	400	94,0
	404	90,6
	720	93,4
	728	83,2
	800	100,7
	999	86,1
	052	129,8
0808 20 50	064	60,0
	400	76,7
	999	88,8

⁽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 116/98

of 16 January 1998

fixing the maximum buying-in price and the quantities of beef to be bought in under the 195th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2602/97⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 72/98⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 195th partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, it has been decided not to proceed

with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 195th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 252 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 2 895 tonnes,
 - the quantities offered at a price less than or equal to ECU 241 shall be multiplied by a coefficient of 75 %,
 - the quantities offered at a price greater than ECU 241 shall be multiplied by a coefficient of 50 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

Article 2

This Regulation shall enter into force on 19 January 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 351, 23. 12. 1997, p. 20.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 6, 10. 1. 1998, p. 24.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 117/98**of 16 January 1998****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2095/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2095/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2095/97 is hereby fixed on the basis of the tenders submitted from 12 to 15 January 1998 at ECU 130 per tonne.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 16.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 118/98**of 16 January 1998****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2096/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2096/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2096/97 is hereby fixed on the basis of the tenders submitted from 12 to 15 January 1998 at ECU 157 per tonne.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 19.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 119/98**of 16 January 1998****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2097/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2097/97 ⁽²⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2097/97 is hereby fixed on the basis of the tenders submitted from 12 to 15 January 1998 at ECU 341 per tonne.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 22.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 120/98

of 16 January 1998

fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2098/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2098/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2098/97 is hereby fixed on the basis of the tenders submitted from 12 to 15 January 1998 at ECU 128 per tonne.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 25.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 121/98

of 16 January 1998

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 1850/97 ⁽²⁾ and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

Whereas maximum residue limits should be established only after the examination, within the Committee for Veterinary Medicinal Products, of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or

honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas danofloxacin, cefazolin and trimethoprim should be inserted into Annex I to Regulation (EEC) No 2377/90;

Whereas lini oleum, folic acid, betain and cefazolin should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas, in order to allow for the completion of scientific studies, the duration of the validity of the provisional maximum residue limits previously defined in Annex III to Regulation (EEC) No 2377/90 should be extended for penethamate;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾, to take account of the provisions of this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ L 264, 26. 9. 1997, p. 12.

⁽³⁾ OJ L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 16 January 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

A. Annex I is modified as follows:

1. Anti-infectious agents

1.1. Chemotherapeutics

1.1.2. Diamino pyrimidine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Trimethoprim	Trimethoprim	Bovine	50 µg/kg	Muscle, fat, liver, kidney, milk	
		Porcine	50 µg/kg	Muscle, skin and fat, liver, kidney	
		Poultry	50 µg/kg	Muscle, skin and fat, liver, kidney	Not for use in animals from which eggs are produced for human consumption
		Equidae	100 µg/kg	Muscle, fat, liver, kidney	
		Fin Fish	50 µg/kg	Muscle and skin in natural proportions	

1.2. Antibiotics

1.2.2. Cephalosporins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Cefazolin	Cefazolin	Ovine, caprine	50 µg/kg	Milk	

1.2.3. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Danofloxacin	Danofloxacin	Bovine	200 µg/kg	Muscle	Not for use in animals from which milk is produced for human consumption
			100 µg/kg	Fat	
			400 µg/kg	Liver, kidney	
		Chicken	200 µg/kg	Muscle	Not for use in animals from which eggs are produced for human consumption
			100 µg/kg	Skin and fat	
			400 µg/kg	Liver, kidney	

B. Annex II is modified as follows:

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
Cefazolin	Ovine, caprine	For intramammary use only (except if the udder may be used as food for human consumption)
Betaine	All food producing species	
Folic acid	All food producing species	
Lini oleum	All food producing species	

C. Annex III is modified as follows:

- 1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.10. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Penethamate	Benzylpenicillin	Ovine	50 µg/kg	Muscle, fat, liver, kidney	Provisional MRLs expire on 1 January 2000
			4 µg/kg	Milk	
		Porcine	50 µg/kg	Muscle, fat, liver, kidney	

COMMISSION REGULATION (EC) No 122/98

of 16 January 1998

on managing the ceilings for imports of fresh and processed sour cherries
originating in the Republics of Bosnia-Herzegovina and Croatia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia⁽¹⁾, as last amended by Regulation (EC) No 2636/97⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EC) No 1556/96 of 30 July 1996 introducing a system of import licences for certain fruit and vegetables imported from third countries⁽³⁾, as last amended by Regulation (EC) No 1064/97⁽⁴⁾, requires an import licence to be presented for fresh sour cherries falling within CN code 0809 20 05, among other products, before they can be released into free circulation;

Whereas for practical reasons, some provisions of this Regulation governing sour cherries should be limited to their harvesting and marketing season;

Whereas Commission Regulation (EC) No 1921/95 of 3 August 1995 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86⁽⁵⁾, as last amended by Regulation (EC) No 2427/95⁽⁶⁾, subjects processed sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91, among other products, to the import licence system;

Whereas the second subparagraph of Article 6(1) of Regulation (EC) No 70/97 states that import licences are to be issued to ensure the management of the ceilings of 2 500 tonnes of fresh sour cherries and of 12 800 tonnes of processed sour cherries falling within the above CN codes and fixed in Annex D to that Regulation; whereas the grant of preference should be made subject to the

submission of licences issued in accordance with this Regulation;

Whereas measures must be taken very quickly and automatically once the demand for licences reaches one of the ceilings fixed; whereas the Commission should be allowed to take the necessary measures;

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

This Regulation relates to the tariff ceilings referred to in Regulation (EC) No 70/97 for fresh sour cherries falling within CN code 0809 20 05, and processed sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91 originating in the Republics of Bosnia-Herzegovina and Croatia.

Article 2

1. All imports under the ceilings referred to in Article 1 shall be subject to the presentation of an import licence issued in accordance with this Regulation.

2. Subject to the specific provisions of this Regulation, Regulation (EC) No 1556/96 shall apply to fresh sour cherries and Regulation (EC) No 1921/95 shall apply to processed sour cherries.

3. The import licence shall contain in Section 24 one of the following:

— Derecho preferencial ad valorem — Reglamento (CE) n° 70/97

— Præferenceværditold — Forordning (EF) nr. 70/97

— Präferentieller Wertzoll — Verordnung (EG) Nr. 70/97

⁽¹⁾ OJ L 16, 18. 1. 1997, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 16.

⁽³⁾ OJ L 193, 3. 8. 1996, p. 5.

⁽⁴⁾ OJ L 156, 13. 6. 1997, p. 3.

⁽⁵⁾ OJ L 185, 4. 8. 1995, p. 10.

⁽⁶⁾ OJ L 249, 17. 10. 1995, p. 12.

- Προτιμησιακός δασμός *ad valorem* — Κανονισμός (ΕΚ) αριθ. 70/97
- Preferential *ad valorem* duty — Regulation (EC) No 70/97
- Droit *ad valorem* préférentiel — Règlement (CE) n° 70/97
- Dazio *ad valorem* preferenziale — Regolamento (CE) n. 70/97
- Preferentieel *ad-valorem*recht — Verordening (EG) nr. 70/97
- Direito preferencial *ad valorem* — Regulamento (CE) n° 70/97
- Arvotullietuus — asetust (EY) N:o 70/97
- Särskild värdetull — Förordning (EG) nr 70/97.

4. The country of origin shall be entered in Section 8 of both the licence application and the import licence and the word 'yes' shall be marked with a cross.

Article 3

1. The Member States shall provide the data on applications for licences in accordance with:
- (a) Article 5 of Regulation (EC) No 1556/96 in the case of fresh sour cherries in the period 1 May to 30 September;
- (b) Article 7 of Regulation (EC) No 1921/95 in the case of processed sour cherries.
2. In the case of processed sour cherries, the Member States shall notify the Commission of the quantities for which the import licences were not used, once such information becomes available.

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

Done at Brussels, 16 January 1998.

Article 4

1. The licences shall be issued on the fifth working day following lodgement of the application, provided that special measures have not been taken by the Commission in the meantime.

2. When the quantity in the licences applied for reaches one of the ceilings laid down in Regulation (EC) No 70/97, the Commission shall fix, if necessary, a flat-rate percentage reduction for the applications in question and suspend the issue of licences for any subsequent application under the ceiling in question.

Article 5

At the request of the interested party, unused or partly used licences for the products and origin referred to in Article 1 that were issued pursuant to Regulation (EC) No 1921/95 before the entry into force of this Regulation and that have not passed their final date of validity shall be cancelled and the security shall be released for the amount unused.

Article 6

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

It shall apply from 1 January to 31 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 123/98

of 16 January 1998

on managing the ceilings for imports of fresh and processed sour cherries
originating in the former Yugoslav Republic of Macedonia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 77/98 of 9 January 1998 on certain detailed rules for the application of the Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia⁽¹⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EC) No 1556/96 of 30 July 1996 introducing a system of import licences for certain fruit and vegetables imported from third countries⁽²⁾, as last amended by Regulation (EC) No 1064/97⁽³⁾, requires an import licence to be presented for fresh sour cherries falling within CN code 0809 20 05, among other products, before they can be released into free circulation;

Whereas for practical reasons, some provisions of this Regulation governing sour cherries should be limited to their harvesting and marketing season;

Whereas Commission Regulation (EC) No 1921/95 of 3 August 1995 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86⁽⁴⁾, as last amended by Regulation (EC) No 2427/95⁽⁵⁾, subjects processed sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91, among other products, to the import licence system;

Whereas, to simplify administration, the ceilings of 500 tonnes for fresh sour cherries and 7 000 tonnes for processed sour cherries laid down in Annex D to the Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia⁽⁶⁾, and referred to in Article 1 of Regulation (EC) No 77/98 should be managed exactly the same as the ceilings in Commission Regulation (EC) No 122/98 of 16 January 1998 on managing the ceilings for imports of fresh and processed sour cherries originating in the Republics of Bosnia-Herzegovina and Croatia⁽⁷⁾, and to

make the grant of preference subject to the presentation of licences issued in accordance with this Regulation;

Whereas measures must be taken very quickly and automatically once the demand for licences reaches one of the ceilings fixed; whereas the Commission should be allowed to take the necessary measures;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees for Fresh Fruit and Vegetables and for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation governs the management of the tariff ceilings referred to in Regulation (EC) No 77/98 for fresh sour cherries falling within CN code 0809 20 05, and processed sour cherries falling within CN codes 0811 90 75, ex 0812 10 00, ex 0813 40 95, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91 originating in the former Yugoslav Republic of Macedonia.

Article 2

1. All imports under the ceilings referred to in Article 1 shall be subject to the presentation of an import licence issued in accordance with this Regulation.

2. Subject to the specific provisions of this Regulation, Regulation (EC) No 1556/96 shall apply to fresh sour cherries and Regulation (EC) No 1921/95 shall apply to processed sour cherries.

3. The import licence shall contain in Section 24 one of the following:

— Derecho preferencial *ad valorem* — Reglamento (CE) n° 77/98

— Præferenceværditold — Forordning (EF) nr. 77/98

— Präferentieller Wertzoll — Verordnung (EG) Nr. 77/98

⁽¹⁾ OJ L 8, 14. 1. 1998, p. 1.

⁽²⁾ OJ L 193, 3. 8. 1996, p. 5.

⁽³⁾ OJ L 156, 13. 6. 1997, p. 3.

⁽⁴⁾ OJ L 185, 4. 8. 1995, p. 10.

⁽⁵⁾ OJ L 249, 17. 10. 1995, p. 12.

⁽⁶⁾ OJ L 348, 18. 12. 1997, p. 1.

⁽⁷⁾ See page 15 of this Official Journal.

- Προτιμησιακός δασμός *ad valorem* — Κανονισμός (ΕΚ) αριθ. 77/98
- Preferential *ad valorem* duty — Regulation (EC) No 77/98
- Droit *ad valorem* préférentiel — Règlement (CE) n° 77/98
- Dazio *ad valorem* preferenziale — Regolamento (CE) n. 77/98
- Preferentieel *ad valorem*-recht — Verordening (EG) nr. 77/98
- Direito preferencial *ad valorem* Regulamento (CE) n° 77/98
- Arvotullietuus — asetust (EY) N:o 77/98
- Särskild värdetull — Förrordning (EG) nr 77/98.

4. The country of origin shall be entered in Section 8 of both the licence application and the import licence and the word 'yes' shall be marked with a cross.

Article 3

1. The Member States shall provide the data on applications for licences in accordance with:
- (a) Article 5 of Regulation (EC) No 1556/96 in the case of fresh sour cherries in the period 1 May to 30 September;
- (b) Article 7 of Regulation (EC) No 1921/95 in the case of processed sour cherries.
2. In the case of processed sour cherries, the Member States shall notify the Commission of the quantities for which the import licences were not used, once such information becomes available.

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

Done at Brussels, 16 January 1998.

Article 4

1. The licences shall be issued on the fifth working day following lodging of the application, provided that special measures have not been taken by the Commission in the meantime.

2. When the quantity in the licences applied for reaches one of the ceilings referred to in Regulation (EC) No 77/98, the Commission shall fix, if necessary, a flat-rate percentage reduction for the applications in question and suspend the issue of licences for any subsequent application under the ceiling in question.

Article 5

At the request of the interested party, unused or partly used licences for the products and origin referred to in Article 1 that were issued pursuant to Regulation (EC) No 1921/95 before the entry into force of this Regulation and that have not passed their final date of validity shall be cancelled and the security shall be released for the amount unused.

Article 6

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

It shall apply with effect from 1 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 124/98
of 16 January 1998
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Commission Regulation (EC) No 8/98⁽³⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2 (3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for apples in response to appli-

cations submitted since 13 January 1998; whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 13 January 1998 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for apples for which applications were submitted on 13 January 1998 pursuant to Article 1 of Regulation (EC) No 8/98 shall be issued for 14,9 % of the quantities applied for.

Applications for A1 export licences submitted after 13 January 1998 and before 11 March 1998 for that product shall be rejected.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ L 3, 7. 1. 1998, p. 5.

COMMISSION REGULATION (EC) No 125/98
of 16 January 1998
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2634/97⁽²⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 32/82⁽³⁾, as last amended by Regulation (EC) No 2326/97⁽⁴⁾, Regulation (EEC) No 1964/82⁽⁵⁾, as last amended by Regulation (EC) No 2469/97, and Regulation (EEC) No 2388/84⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the

Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

Whereas Commission Regulation (EEC) No 3846/87⁽⁸⁾, as last amended by Regulation (EC) No 2541/97⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ L 323, 26. 11. 1997, p. 1.

⁽⁵⁾ OJ L 212, 21. 7. 1982, p. 48.

⁽⁶⁾ OJ L 221, 18. 8. 1984, p. 28.

⁽⁷⁾ OJ L 370, 19. 12. 1992, p. 16.

⁽⁸⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁹⁾ OJ L 347, 18. 12. 1997, p. 14.

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽¹⁾, as amended by Regulation (EEC) No 2026/83⁽²⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I of this Regulation.
2. The destinations are identified in Annex II to this Regulation.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third countries in zone 10 listed in Annex II to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ L 199, 22. 7. 1983, p. 12.

ANNEX I

to the Council Regulation of 16 January 1998 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Live weight —			— Net weight —
0102 10 10 9120	01	58,50	0201 20 20 9120	02	47,00
0102 10 10 9130	02	22,50		03	32,50
	03	15,50		04	16,50
	04	8,00	0201 20 30 9110 (1)	02	80,50
0102 10 30 9120	01	58,50		03	55,50
0102 10 30 9130	02	22,50		04	27,00
	03	15,50	0201 20 30 9120	02	34,00
	04	8,00		03	24,00
0102 10 90 9120	01	58,50		04	12,00
0102 90 41 9100	02	52,00	0201 20 50 9110 (1)	02	140,00
0102 90 51 9000	02	22,50		03	93,50
	03	15,50		04	46,50
	04	8,00	0201 20 50 9120	02	60,00
0102 90 59 9000	02	22,50		03	41,50
	03	15,50		04	20,50
	04	8,00	0201 20 50 9130 (1)	02	80,50
	10	52,00 (9)		03	55,50
0102 90 61 9000	02	22,50		04	27,00
	03	15,50	0201 20 50 9140	02	34,00
	04	8,00		03	24,00
0102 90 69 9000	02	22,50		04	12,00
	03	15,50	0201 20 90 9700	02	34,00
	04	8,00		03	24,00
0102 90 71 9000	02	52,00		04	12,00
	03	34,00	0201 30 00 9050	05 (4)	49,00
	04	17,00		07 (4a)	49,00
0102 90 79 9000	02	52,00	0201 30 00 9100 (2)	02	195,00
	03	34,00		03	134,00
	04	17,00		04	67,00
		— Net weight —		06	172,00
0201 10 00 9110 (1)	02	80,50	0201 30 00 9120 (2)	08	91,00
	03	55,50		09	85,00
	04	27,00		03	62,50
0201 10 00 9120	02	34,00		04	31,50
	03	24,00		06	80,50
	04	12,00	0201 30 00 9150 (6)	08	55,00
0201 10 00 9130 (1)	02	110,50		09	50,50
	03	74,00		03	42,50
	04	37,50		04	21,50
0201 10 00 9140	02	47,00		06	49,00
	03	32,50	0201 30 00 9190 (6)	02	47,00
	04	16,50		03	31,00
0201 20 20 9110 (1)	02	110,50		04	15,00
	03	74,00		06	38,00
	04	37,50			

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
0202 10 00 9100	02	34,00	1602 50 10 9120	02	54,50 ⁽⁸⁾
	03	24,00		03	43,50 ⁽⁸⁾
	04	12,00		04	43,50 ⁽⁸⁾
0202 10 00 9900	02	47,00	1602 50 10 9140	02	48,50 ⁽⁸⁾
	03	32,50		03	38,50 ⁽⁸⁾
	04	16,50		04	38,50 ⁽⁸⁾
0202 20 10 9000	02	47,00	1602 50 10 9160	02	38,50 ⁽⁸⁾
	03	32,50		03	31,00 ⁽⁸⁾
	04	16,50		04	31,00 ⁽⁸⁾
0202 20 30 9000	02	34,00	1602 50 10 9170	02	26,00 ⁽⁸⁾
	03	24,00		03	20,50 ⁽⁸⁾
	04	12,00		04	20,50 ⁽⁸⁾
0202 20 50 9100	02	60,00	1602 50 10 9190	02	26,00
	03	41,50		03	20,50
	04	20,50		04	20,50
0202 20 50 9900	02	34,00	1602 50 10 9240	02	—
	03	24,00		03	—
	04	12,00		04	—
0202 20 90 9100	02	34,00	1602 50 10 9260	02	—
	03	24,00		03	—
	04	12,00		04	—
0202 30 90 9100	05 ⁽⁴⁾	49,00	1602 50 10 9280	02	—
	07 ^(4a)	49,00		03	—
				04	—
0202 30 90 9400 ⁽⁶⁾	08	55,00	1602 50 31 9125	01	92,50 ⁽⁵⁾
	09	50,50	1602 50 31 9135	01	35,00 ⁽⁸⁾
	03	42,50	1602 50 31 9195	01	17,00
	04	21,50	1602 50 31 9325	01	82,50 ⁽⁵⁾
	06	49,00	1602 50 31 9335	01	31,00 ⁽⁸⁾
0202 30 90 9500 ⁽⁶⁾	02	47,00	1602 50 31 9395	01	17,00
	03	31,00	1602 50 39 9125	01	92,50 ⁽⁵⁾
	04	15,00	1602 50 39 9135	01	35,00 ⁽⁸⁾
	06	38,00	1602 50 39 9195	01	17,00
0206 10 95 9000	02	47,00	1602 50 39 9325	01	82,50 ⁽⁵⁾
	03	31,00	1602 50 39 9335	01	31,00 ⁽⁸⁾
	04	15,00	1602 50 39 9395	01	17,00
	06	38,00	1602 50 39 9425	01	35,00 ⁽⁵⁾
0206 29 91 9000	02	47,00	1602 50 39 9435	01	20,50 ⁽⁸⁾
	03	31,00	1602 50 39 9495	01	15,00
	04	15,00	1602 50 39 9505	01	15,00
	06	38,00	1602 50 39 9525	01	35,00 ⁽⁵⁾
0210 20 90 9100	02	39,50	1602 50 39 9535	01	20,50 ⁽⁸⁾
	04	23,50	1602 50 39 9595	01	15,00
0210 20 90 9300	02	49,00			
0210 20 90 9500 ⁽³⁾	02	49,00			

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
1602 50 39 9615	01	15,00	1602 50 80 9495	01	15,00
1602 50 39 9625	01	7,00	1602 50 80 9505	01	15,00
1602 50 39 9705	01	—	1602 50 80 9515	01	7,00
1602 50 39 9805	01	—	1602 50 80 9535	01	20,50 ⁽⁸⁾
1602 50 39 9905	01	—	1602 50 80 9595	01	15,00
1602 50 80 9135	01	31,00 ⁽⁸⁾	1602 50 80 9615	01	15,00
1602 50 80 9195	01	15,00	1602 50 80 9625	01	7,00
1602 50 80 9335	01	28,00 ⁽⁸⁾	1602 50 80 9705	01	—
1602 50 80 9395	01	15,00	1602 50 80 9805	01	—
1602 50 80 9435	01	20,50 ⁽⁸⁾	1602 50 80 9905	01	—

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ L 274, 26. 10. 1996, p. 18).

(5) OJ L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

(9) The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03	Zone 05	Zone 09
022 Ceuta and Melilla	400 United States of America	224 Sudan
024 Iceland		228 Mauritania
028 Norway	Zone 06	232 Mali
041 Faeroes		236 Burkina Faso
043 Andorra	809 New Caledonia	240 Niger
044 Gibraltar	822 French Polynesia	244 Chad
045 Vatican City		247 Cape Verde
053 Estonia	Zone 07	248 Senegal
054 Latvia		252 Gambia
055 Lithuania	404 Canada	257 Guinea-Bissau
060 Poland		260 Guinea
061 Czech Republic	Zone 08	264 Sierra Leone
063 Slovakia		268 Liberia
064 Hungary	046 Malta	272 Côte d'Ivoire
066 Romania	052 Turkey	276 Ghana
068 Bulgaria	072 Ukraine	280 Togo
070 Albania	073 Belarus	284 Benin
091 Slovenia	074 Moldova	288 Nigeria
092 Croatia	075 Russia	302 Cameroon
093 Bosnia-Herzegovina	076 Georgia	306 Central African Republic
094 Federal Republic of Yugoslavia	077 Armenia	310 Equatorial Guinea
096 Former Yugoslav Republic of Macedonia	078 Azerbaijan	311 Sao Tomé and Príncipe
109 The communes of Livigno and Campione d'Italia; the island of Helgoland	079 Kazakhstan	314 Gabon
406 Greenland	080 Turkmenistan	318 Congo (Republic)
600 Cyprus	081 Uzbekistan	322 Congo (Democratic Republic)
662 Pakistan	082 Tajikistan	324 Rwanda
669 Sri Lanka	083 Kirghistan	328 Burundi
676 Myanmar (Burma)	204 Morocco	329 St Helena and dependencies
680 Thailand	208 Algeria	330 Angola
690 Vietnam	212 Tunisia	334 Ethiopia
700 Indonesia	216 Libya	336 Eritrea
708 Philippines	220 Egypt	338 Djibouti
724 North Korea	604 Lebanon	342 Somalia
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)	608 Syria	350 Uganda
	612 Iraq	352 Tanzania
	616 Iran	355 Seychelles and dependencies
	624 Israel	357 British Indian Ocean Territory
	625 West Bank and the Gaza Strip	366 Mozambique
	628 Jordan	373 Mauritius
	632 Saudi Arabia	375 Comoros
	636 Kuwait	377 Mayotte
	640 Bahrain	378 Zambia
	644 Qatar	386 Malawi
	647 United Arab Emirates	388 South Africa
	649 Oman	395 Lesotho
	653 Yemen	
	720 China	
	740 Hong Kong	
		Zone 10
039 Switzerland		075 Russia

NB: The countries are those defined by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19).

COMMISSION REGULATION (EC) No 126/98

of 16 January 1998

laying down to what extent applications for issue of export licences submitted during January 1998 for beef and veal products which may benefit from special import treatment in a third country may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, as last amended by Regulation (EC) No 2616/97 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾;

Whereas Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the first quarter of 1998;

Whereas the quantities for which licence applications have been lodged for the first quarter of 1998 are lower than those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged in January 1998 for the beef and veal referred to in Regulation (EEC) No 2973/79 for the first quarter of 1998 shall be met in full.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the second quarter of 1998 the total quantity available being 2 500 tonnes.

Article 3

This Regulation shall enter into force on 21 January 1998.

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

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽²⁾ OJ L 353, 24. 12. 1997, p. 8.

⁽³⁾ OJ L 336, 29. 12. 1979, p. 44.

⁽⁴⁾ OJ L 327, 18. 11. 1987, p. 7.

COMMISSION REGULATION (EC) No 127/98
of 16 January 1998
amending representative prices and additional duties for the import of certain
products 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 markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 83/98 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 January 1998.

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

Done at Brussels, 16 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 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 8, 14. 1. 1998, p. 14.

ANNEX

to the Commission Regulation of 16 January 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,06	3,77
1701 11 90 ⁽¹⁾	25,06	9,00
1701 12 10 ⁽¹⁾	25,06	3,63
1701 12 90 ⁽¹⁾	25,06	8,57
1701 91 00 ⁽²⁾	26,80	11,83
1701 99 10 ⁽²⁾	26,80	7,31
1701 99 90 ⁽²⁾	26,80	7,31
1702 90 99 ⁽³⁾	0,27	0,38

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 December 1997

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period 1 July 1997 to 30 June 2000, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

(98/70/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea ⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Equatorial Guinea held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Protocol thereto;

Whereas, as a result of those negotiations, a new Protocol was initialled on 25 June 1997;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the Republic of Equatorial Guinea has sovereignty or jurisdiction from 1 July 1997 to 30 June 2000;

Whereas, in order to avoid any longer interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas,

for this reason, the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from 1 July 1997; whereas that Agreement should be approved, pending a final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 1997 to 30 June 2000, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Decision ⁽²⁾.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

⁽¹⁾ OJ L 188, 16. 7. 1984, p. 2. Agreement as amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ L 29, 30. 1. 1987, p. 1).

⁽²⁾ See page 31 of this Official Journal.

— freezer tuna seiners:

France: 19 vessels,

Spain: 10 vessels,

Italy: 1 vessel,

— surface longliners:

Spain: 25 vessels,

Portugal: 5 vessels,

— pole-and-line tuna vessels:

France: 8 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the

Protocol, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the provisional application of the Protocol establishing, for the period 1 July 1997 to 30 June 2000, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

A. Letter from the Government of Equatorial Guinea

Sir,

With reference to the Protocol initialled on 25 June 1997 establishing the fishing rights and financial compensation for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one third of the financial compensation specified in Article 2 of the Protocol is paid by 31 December 1997.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Equatorial Guinea*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 25 June 1997 establishing the fishing rights and financial compensation for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 31 December 1997.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to this provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Union*

PROTOCOL

establishing, for the period from 1 July 1997 to 30 June 2000, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

Article 1

For a period of three years from 1 July 1997, the fishing rights granted pursuant to Article 2 of the Agreement shall be:

- freezer tuna seiners: 30 vessels,
- surface longliners: 30 vessels,
- pool-and-line tuna vessels: 8 vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 600 000, payable in three equal annual instalments. This compensation shall cover a catch weight in waters of Equatorial Guinea of 4 000 tonnes of tuna fished per year. If the tuna caught by Community vessels in Equatorial Guinea's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Equatorial Guinea.

3. The compensation shall be paid into account No 4160 of the Treasury of Equatorial Guinea, opened at the Banque des États d'Afrique Centrale (BEAC) in Malabo. Any changes shall be notified to the Commission of the European Communities.

Article 3

The Community shall also contribute, during the period referred to in Article 1, the sum of ECU 50 000 towards the financing of an Equatorial Guinea scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Equatorial Guinea.

This sum shall be made available to the Government of the Republic of Equatorial Guinea and paid into the account indicated by the Equatorial Guinea authorities.

The competent authorities of Equatorial Guinea shall send to the Commission a brief report on the utilization of the funds.

Article 4

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Equatorial Guinea to find places in training establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 140 000. At the request of the Equatorial Guinea authorities, part of this sum may be used to cover the costs of participation in international meetings concerning fisheries.

The sum shall be payable as and when it is used.

Article 5

The Community shall also contribute, for an amount of ECU 170 000, to the financing of programmes for fisheries surveillance bodies and for non-industrial fishing.

These funds shall be made available to the Ministry of Fisheries and Forests, which shall communicate the bank account to which payment is to be made.

The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall apply with effect from 1 July 1997.

*ANNEX***CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS
IN EQUATORIAL GUINEA'S FISHING ZONE****A. Licence application and issuing formalities**

The procedure for applications for, and issue of, licences enabling vessels flying the flags of the Member States of the Community to fish in Equatorial Guinea's fishing zone shall be as follows.

The competent authorities of the Community shall present to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea, via the delegation of the Commission of the European Communities in Equatorial Guinea, an application for each vessel that is to be used for fishing under the Agreement.

The applications shall be made on the forms provided for that purpose by the competent authorities of the Republic of Equatorial Guinea, a specimen of which is attached hereto (Appendix 1).

Once signed, the licences shall be issued by the Equatorial Guinea authorities to the shipowners or their representatives via the delegation of the Commission of the European Communities in Equatorial Guinea within 15 working days of the date on which the application was submitted.

However, at the request of the European Community and where force majeure is proved, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea via the delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that the licence cancels and replaces that granted to the previous vessel.

In this case, no new lump sum shall be due.

The licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the Commission of the European Communities to the authorities of Equatorial Guinea, the vessel will be included on a list to be notified to the fisheries control authorities of Equatorial Guinea. Pending receipt of the licence document, a fax copy of this licence document may be obtained and shall be kept on board, which will authorize the vessel to fish, pending delivery on board of the licence document.

Licences shall be valid for a period of one year. They are renewable.

The fees shall be ECU 20 per tonne caught within Equatorial Guinea's fishing zone.

The competent authorities of Equatorial Guinea shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment of a lump sum of ECU 1 300 a year for each tuna seiner, ECU 200 a year for each pole-and-line tuna vessel and ECU 300 a year for each surface longliner.

B. Declaration of catches and breakdown of fees due by shipowners

The captain shall complete a fishing form corresponding to the model given in Appendix 2 for each period spent fishing in Equatorial Guinea's fishing zone.

The form, which must be legible and signed by the captain of the ship, shall be sent without delay to Orstom or the Spanish Oceanographical Institute, for processing.

Should this provision not be adhered to, the Government of Equatorial Guinea reserves the right to suspend the licence of the offending vessel until the formality has been complied with and to apply the penalties laid down under fisheries law No 2/1987 of 16 February 1987.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year which it shall then send to the authorities of Equatorial Guinea for their comments.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April at the latest and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

C. Inspection and monitoring

Any Community vessel fishing in Equatorial Guinea's fishing zone shall allow on board any official of Equatorial Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

D. Fishing zones

The vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond four nautical miles from the base lines.

E. Entering and leaving the zone

Within three hours of entering or leaving the zone and every three days during their fishing activities in Equatorial Guinea's waters, vessels shall be obliged to communicate their position and the volume of the catch on board direct to the Equatorial Guinea authorities preferably by fax or, failing that, by radio in the case of vessels not equipped with fax.

The fax number and radio frequency shall be notified on issue of the licence.

A copy of the fax messages or of the record of radio communications shall be kept by the Equatorial Guinea authorities and the shipowners until both parties have approved the final statement of fees referred to in point B.

A vessel caught fishing without having notified the Equatorial Guinea authorities of its presence shall be considered an unlicensed vessel.

F. Procedure in case of boarding

1. The delegation of the Commission of the European Communities in Equatorial Guinea shall be notified within two working days of any boarding within the Equatorial Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The delegation shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the abovementioned information, between the delegation of the Commission of the European Communities in Equatorial Guinea, the Fisheries Department and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
4. Should the case not be settled by means of compromise, and the master is therefore brought before a competent Equatorial Guinea judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.
5. The vessel and its crew shall be released either:
 - at the end of the consultation meeting, if the established facts permit, or
 - on receipt of payment of a fine (compromise procedure), or
 - once a bank security is deposited (judicial procedure).
6. Should one of the Parties consider that there is a problem in the application of the abovementioned procedure, it may request urgent consultations under Article 8 of the Agreement.

Appendix 1

REPUBLIC OF EQUATORIAL GUINEA

APPLICATION FOR A FISHING LICENCE

1. Valid from:
to
2. Name of vessel:
3. Name of shipowner:
4. Port and registration number:
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Width of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Engine rating:
12. Type of construction:
13. Usual number of seamen aboard:
14. Radio/electrical equipment:
15. Master's name:

The above information is the sole responsibility of the shipowner or his representative.

Date of application:

ICCAT LOGBOOK for TUNA FISHERY

Vessel name	Gross tons	
Flag country	Capacity (M. T.)	
Registration No	Captain	
Company or owner	No of crew	
Address	Reporting date	
	Reported by	

Boat LEFT		month	day	year	port
Boat RETURNED				19 . .	
Number of days at sea		days		Number of fishing days or number of sets made	
		Trip number		19 . .	

- ☐ Longline
- ☐ Baliboat
- ☐ Purse seine
- ☐ Trolling
- ☐ Others

Page

of

pages

Dates		Area		Surf. Water Temp. (in °C)	Effort (Number of hooks used)	CATCHES														Bait used	
Month	Day	Latitude N/S	Longitude E/W			Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>	Yellowfin tuna <i>Thunnus albacares</i>	Bigeye tuna <i>Thunnus obesus</i>	Albacore <i>Thunnus alalunga</i>	Swordfish <i>Xiphias gladius</i>	Striped marlin White marlin <i>Tetrapturus audax</i> or <i>albidus</i>	Black marlin <i>Makaira indica</i>	Sailfish <i>istophorus albicans</i> or <i>platypterus</i>	Skipjack <i>Katsuwonus pelamis</i>	Miscellaneous fishes		Daily total (in weight) kg only)				
						number fish	weight in kg	No	kg	No	kg	No	kg	No	kg	No	kg	Sp	kg		
	01																				
	02																				
	03																				
	04																				
	05																				
	06																				
	07																				
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	31																				
		Landing weight (in kg)																			

Remarks:

1. Use one sheet per month, and one line per day.
2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mula 17, Madrid 1, Spain.
3. 'Day' refers to the day you set the line.
4. Fishing area refers to the noon position of the boat round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
6. All information reported herein will be kept strictly confidential.

COMMISSION

COMMISSION DECISION

of 7 January 1998

drawing up provisional lists of establishments in the Czech Republic from which the Member States authorise imports of milk and milk products for human consumption and milk and milk products not intended for human consumption and amending Decisions 97/299/EC and 97/252/EC

(Text with EEA relevance)

(98/71/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third-country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as amended by Decision 97/34/EC⁽²⁾, and in particular Article 2,

Whereas Commission Decision 95/340/EC⁽³⁾, as last amended by Decision 96/584/EC⁽⁴⁾, determines the countries from which Member States are to authorise imports of milk and milk products;

Whereas health and veterinary certification requirements for imports of milk and milk products from the countries on that list were set by Commission Decision 95/343/EC⁽⁵⁾, as last amended by Decision 97/115/EC⁽⁶⁾;

Whereas health and veterinary certification requirements for imports of milk and milk products not intended for

human consumption from the countries appearing on that same list were set by Commission Decision 95/341/EC⁽⁷⁾, as amended by Decision 97/106/EC⁽⁸⁾;

Whereas Commission Decision 97/299/EC⁽⁹⁾ draws up the lists of establishments in the Czech Republic from which Member States are to authorise imports of certain products of animal origin;

Whereas Commission Decision 97/252/EC⁽¹⁰⁾, as last amended by Decision 97/666/EC⁽¹¹⁾, determines provisional lists of third-country establishments from which Member States are to authorise imports of milk and milk products for human consumption;

Whereas the Czech Republic has notified the Commission of changes to the list of establishments authorized as regards milk and milk products;

Whereas it is necessary to ensure that the Decisions determining the lists of establishments are consistent;

Whereas Decisions 97/299/EC and 97/252/EC should therefore be amended;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 200, 24. 8. 1995, p. 38.

⁽⁴⁾ OJ L 255, 9. 10. 1996, p. 20.

⁽⁵⁾ OJ L 200, 24. 8. 1995, p. 52.

⁽⁶⁾ OJ L 42, 13. 2. 1997, p. 16.

⁽⁷⁾ OJ L 200, 24. 8. 1995, p. 42.

⁽⁸⁾ OJ L 24, 31. 1. 1996, p. 34.

⁽⁹⁾ OJ L 124, 16. 5. 1997, p. 50.

⁽¹⁰⁾ OJ L 101, 18. 4. 1997, p. 46.

⁽¹¹⁾ OJ L 283, 15. 10. 1997, p. 1.

HAS ADOPTED THIS DECISION:

Community provisions adopted under other veterinary arrangements.

Article 1

The Annex to Decision 97/252/EC is supplemented by Annex I to this Decision as regards the Czech Republic.

Article 2

1. The Member States shall authorise imports of milk and milk products not intended for human consumption from the establishments in the Czech Republic listed in Annex II.

2. Imports of milk and milk products not intended for human consumption shall continue to be subject to

Article 3

Parts 6 and 7 of the Annex to Decision 97/299/EC are deleted.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 7 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

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

**País: CHEQUIA / Land: TJEKKIET / Land: TSCHECHISCHE REPUBLIK / Χώρα: ΤΣΕΧΙΑ /
Country: CZECH REPUBLIC / Pays: RÉPUBLIQUE TCHÈQUE / Paese: REPUBBLICA Ceca /
Land: TSJECHIË / País: REPÚBLICA CHECA / Maa: TŠEKKI / Land: TJECKIEN**

1	2	3	4	5
CZ 01	Danone	BENESOV		
CZ 02	Jihoceské mlékárny a.s.	CESKE BUDEJOVICE		
CZ 03	Milkos Strakonice	STRAKONICE		
CZ 04	Mlékárna Klatovy a.s.	KLATOVY		
CZ 05	Lakrumka Brno a.s.	BRNO		
CZ 06	Milpa Pardubice a.s.	PARDUBICE		
CZ 07	Mlékárna Hlinsko s.r.o.	HLINSKO V CECHACH		
CZ 08	Olma Olomouc a.s.	OLOMOUC		
CZ 10	Mlékárna Stríbro a.s.	STRIBRO		
CZ 11	Mlékárna Česká Lípa	CESKA LIPA		
CZ 17	Prumysl Mléčné Výzivy a.s.	ZABREH NA MORAVE		
CZ 208	Jihoceské mlékárny a.s.	MADETA PLANA N.L.		
CZ 217	Jihoceské mlékárny a.s.	PRACHATICE		
CZ 220	Mlékárna Olesnice, RMD	OLESNICE NA MORAVE		
CZ 224	Promil s.p.	N. BYDZOV		
CZ 227	Nero Blucina s.r.o.	BLUCINA		
CZ 507	Nutricia Mléčná výziva a.s.	OPOCNO		
CZ 602	Jihlavské mlékárny a.s.	JIHLAVA		
CZ 604	Znojenské mlékárny a.s.	ZNOJMO		
CZ 615	Jihoceské mlékárny a.s.	MADETA RIPEC		
CZ 705	Mlékárna Kunín a.s.	KUNIN		
CZ 707	JeM a.s.	BRUNTAL ZAVOD JESENÍK		
CZ 708	JD spol s.r.o.	LOSTICE OKRES SUMPERK		
CZ 712	A.W. s.r.o.	LOSTICE OKRES SUMPERK		
CZ 713	Orrero s.r.o.	LITOVEL		

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

**País: CHEQUIA / Land: TJEKKIET / Land: TSCHECHISCHE REPUBLIK / Χώρα: ΤΣΕΧΙΑ /
Country: CZECH REPUBLIC / Pays: RÉPUBLIQUE TCHÈQUE / Paese: REPUBBLICA Ceca /
Land: TSJECHIË / País: REPÚBLICA CHECA / Maa: TŠEKKI / Land: TJECKIEN**

- 1 = Referencia nacional / National reference / Nationaler Code / Εθνικός αριθμός έγκρισης / National reference / Référence nationale / Riferimento nazionale / Nationale code / Referência nacional / Kansallinen referenssi / Nationell referens
- 2 = Nombre / Navn / Name / Όνομα / Name / Nom / Nome / Naam / Nome / Nimi / Namn
- 3 = Ciudad/Región — By/Region — Stadt/Region — Πόλη/Περιοχή — Town/Region — Ville/Région — Città/Regione — Stad/Regio — Cidade/Região — Kaupunki/Alue — Stad/Region
- 4 = Fecha límite de la autorización / Sidste dato for godkendelsen / Zugelassen bis / Λήξη προθεσμίας έγκρισης / Approval expiry date / Date limite d'agrément / Scadenza della validità del riconoscimento / Datum waarop de erkenning afloopt / Data limite de aprovação / Hyväksymisen päättymispäivä / Sista giltighetsdag för godkännandet

1	2	3	4
CZ 04	Mlékárna Klatovy a.s.	KLATOVY	
CZ 224	Promil s.p.	N. BYDZOV	

COMMISSION DECISION

of 8 January 1998

concerning an application for the refund of anti-dumping duties collected on imports of woven polyolefin sacks originating in the People's Republic of China

(Only the English text is authentic)

(98/72/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as amended by Regulation (EC) No 2331/96 ⁽²⁾ (hereafter referred to as the Basic Regulation), and in particular Article 11 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 3308/90 ⁽³⁾ of 15 November 1990 imposed a definitive anti-dumping duty on imports of woven polyolefin sacks falling within CN code ex 6305 31 91 and originating in the People's Republic of China. The rate of the definitive duty was set at 43,4 %.
- (2) Council Regulation (EEC) No 2346/93 ⁽⁴⁾ of 23 August 1993 amended the above Regulation and raised the duty rate to 85,7 %.
- (3) On 18 May 1995, Envopak Group Ltd imported one shipment of DHL courier bags made from woven polypropylene originating in China. The goods concerned were declared within tariff heading 6305 39 00. This classification was challenged by UK Customs and Excise which determined on 26 May 1995 that the goods' proper classification was within heading 6305 31 91 and that they were therefore subject to the anti-dumping duty of 85,7 %. The anti-dumping duties were finally paid on 25 July 1995.
- (4) The final purchaser of the goods, the international courier company DHL submitted an appeal on 20 June 1995 to UK Customs and Excise for a Departmental Review under the UK law imple-

menting Article 245 of the Community Customs Code against the imposition of the anti-dumping duty, claiming that the goods should be classified within customs heading 4202 as travel bags. The classification within customs heading 6305 31 91 was confirmed by this review on 28 June 1995.

- (5) Envopak subsequently lodged a formal Notice of Appeal on 2 August 1995 to the VAT and Duties Tribunal set up pursuant to Article 245 of the Community Customs Code claiming that the goods concerned should be classified within heading 4202. The Tribunal heard the appeal on 7 December 1995 and confirmed on 16 January 1996 that the classification within tariff heading 6305 31 91 was correct.

- (6) By Notice of Initiation No 95/C 271/03 ⁽⁵⁾ and following a complaint lodged by the European Association for Textile Polyolefins, the Commission initiated, on 17 October 1995, a review pursuant to Article 11(2) and (3) of Council Regulation (EC) No 3283/94 of the anti-dumping measures in force on imports of woven polyolefin sacks originating in the People's Republic of China.

On 21 March 1996, Envopak Group Ltd made a submission to the Commission that the goods concerned did not fall within the scope of Regulation (EEC) No 3308/90. The Commission confirmed that it considered that, in the framework of the review, the goods concerned fell within the scope of Regulation (EEC) No 3308/90 and informed Envopak Group Ltd on 20 June 1996.

- (7) On 16 July 1996 Envopak Group Ltd lodged an application pursuant to Article 11(8) of the Basic Regulation for the refund of the definitive anti-dumping duties paid on the importation of a shipment of woven polyolefin sacks, originating in the People's Republic of China, on 18 May 1995.
- (8) On 30 June 1997, the Commission disclosed to the applicant the main facts and considerations on the basis of which it intended to declare the

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 318, 17. 11. 1990, p. 1.

⁽⁴⁾ OJ L 215, 25. 8. 1993, p. 3.

⁽⁵⁾ OJ C 271, 17. 10. 1995, p. 3.

application inadmissible. The applicant was given the opportunity to submit comments prior to the final decision. The applicant commented that it found that the Commission had inappropriately dealt with the issue of the like product in the framework of the refund procedure.

B. ARGUMENTS OF THE APPLICANT

- (9) The applicant claims in its applications pursuant to Article 11(8) of the Basic Regulation that the dumping margins in respect of the polyolefin woven sacks imported on 18 May 1995 has been eliminated in comparison with the level of 85,7 % of anti-dumping duty set by Regulation (EEC) No 3308/90.
- (10) In addition, the applicant argued that the product under consideration should not be classified within customs heading 6305 31 91 and, should therefore not be subject to the anti-dumping duties.
- (11) The applicant further argued that the product under consideration, even if classified within customs heading 6305 31 91 does not constitute a like product and, should therefore not be subject to the anti-dumping duties.
- (12) Finally, the applicant acknowledged in its application for a refund that it was submitted out of time. However, it claimed that the Commission should take into account the exceptional circumstances of the case, in particular the length of the appeal procedures before the national Customs authorities described at recitals (4) and (5) above and of making the submission to the Commission on the issue of the like product, to grant an extension of the time limit for the submission of the application and consider it admissible.

C. ADMISSIBILITY

1. Like product and classification

- (13) The refund procedure is not intended to address the issues of like product or customs classification. Article 11(8) of the Basic Regulation stipulates that an importer may request reimbursement where it is shown that the dumping margin on the basis of which the duties were paid has been eliminated or reduced below the level of duty in force. This implies that the imports of the goods in question had been rightly determined to be covered by the measures in force. Therefore, the issues of like product and customs classification are irrelevant in

the context of a refund procedure and have been dealt with in their appropriate frameworks as described in recitals (3) to (6).

2. Time limit

- (14) Article 11(8) of the Basic Regulation states that in requesting a refund the importer shall submit an application within six months of the date on which the amount of the definitive duties to be levied was duly determined by the competent authorities. This submission of an application in due time is an absolute requirement for the admissibility of a refund application, which is not subject to exceptions regardless of the circumstances.

Therefore, neither the appeal procedures before the national Customs authorities nor the submission before the Commission on the issue of like product could have had the effect of interrupting the six month time limit of Article 11(8).

- (15) The amount of definitive duties to be levied is therefore considered to have been determined no later than 26 May 1995. The six month time limit therefore expired no later than 26 November 1995.

The application which was submitted on 25 July 1996 should therefore be considered as out of time and rejected as inadmissible,

HAS ADOPTED THIS DECISION:

Article 1

The application for the refund of anti-dumping duties submitted by Envopak Group Sales for the importation made on 18 May 1995 of woven polyolefin sacks originating in the People's Republic of China is hereby rejected.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland and to Envopak Group Limited.

Done at Brussels, 8 January 1998.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (ECSC, EC, Euratom) No 2591/97 of 18 December 1997 adjusting with effect from 1 July 1997 the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto

(Official Journal of the European Communities L 351 of 23 December 1997)

On page 2, in the table in Article 1, the entry for Grade A 3/LA 3, step 3:

for: '357 530',

read: '357 350'.
