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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 209/98
of 28 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 29 January 1998.

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

Done at Brussels, 28 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 28 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	44,1
	212	106,4
	624	159,7
	999	103,4
0707 00 05	068	132,9
	204	85,9
	999	109,4
0709 10 00	220	72,2
	999	72,2
0709 90 70	052	147,4
	204	159,1
	999	153,3
0805 10 10, 0805 10 30, 0805 10 50	052	40,5
	204	39,7
	212	35,0
	220	48,3
	448	27,8
	508	41,1
	600	56,3
	624	59,5
	999	43,5
0805 20 10	204	68,6
	624	78,8
	999	73,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	55,9
	204	95,3
	464	140,5
	624	79,5
	662	51,1
	999	84,5
0805 30 10	052	56,7
	600	87,1
	999	71,9
0808 10 20, 0808 10 50, 0808 10 90	060	53,1
	400	86,7
	404	102,0
	720	102,7
	728	58,0
	999	80,5
0808 20 50	052	113,1
	064	88,4
	388	99,9
	400	109,6
	999	102,8

⁽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 210/98

of 28 January 1998

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

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

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

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

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

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

resentative of actual market trends must also be disregarded;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 January 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,93	—	0,28
1703 90 00 ⁽¹⁾	10,28	—	0,00

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

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

COMMISSION REGULATION (EC) No 211/98
of 28 January 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 140/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 140/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 140/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 January 1998.

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

Done at Brussels, 28 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 17, 22. 1. 1998, p. 5.

ANNEX

to the Commission Regulation of 28 January 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,66 ⁽¹⁾
1701 11 90 9910	34,67 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,66 ⁽¹⁾
1701 12 90 9910	34,67 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3985
	— ECU/100 kg —
1701 99 10 9100	39,85
1701 99 10 9910	40,22
1701 99 10 9950	40,22
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3985

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

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

COMMISSION REGULATION (EC) No 212/98**of 28 January 1998****fixing the maximum export refund for white sugar for the 24th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 24th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 24th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 43,340 per 100 kilograms.

Article 2

This Regulation shall enter into force on 29 January 1998.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 213/98

of 28 January 1998

amending Regulation (EC) No 2190/96 as regards certain detailed rules for the application of the system of export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 35(11) thereof,

Whereas Commission Regulation (EC) No 2190/96⁽³⁾, as last amended by Regulation (EC) No 610/97⁽⁴⁾, lays down detailed rules for the application of the system of export refunds on fruit and vegetables;

Whereas the same information need not be given several times on export licences with advance fixing of the refund;

Whereas, for the purposes of effective application of the system whereby applications for licences under system B are rejected as from a certain date during the period for submitting applications, the time allowed for applying for the licences and for forwarding the applications from the Member States to the Commission should be reduced;

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

Regulation (EC) No 2190/96 is amended as follows:

1. Article 4 is amended as follows:

(a) in paragraph 5,

(i) in the second subparagraph, 'Hong Kong' is replaced by 'Hong Kong SAR';

(ii) the fourth subparagraph is replaced by the following:

'Where the date on which the period of validity begins is not the same as the date of issue within the meaning of the first subparagraph, it shall be indicated as follows in box 22 of the licence:

- Certificado válido a partir del (fecha de comienzo del período de validez)
- Licensen er gyldig fra (gyldighedsperiodens begyndelse)
- Lizenz gültig ab (Beginn der Gültigkeitsdauer)
- Πιστοποιητικό ισχύον από (ημερομηνία έναρξης ισχύος)
- Licence valid from (date of commencement of validity)
- Certificat valable à partir du (date de début de validité)
- Titolo valido dal (data di decorrenza della validità)
- Certificaat geldig vanaf (datum van begin van de geldigheidsduur)
- Certificado válido a partir de (data de início da validade)
- Todistus voimassa (voimassaolon alkamis-päivä) alkaen
- Licens giltig från (datum för giltighetstidens början);

(b) the following paragraph is inserted after paragraph 5:

'5a. The refund rate applicable shall be indicated as follows in box 22 of the licence:

- Certificado con fijación anticipada de la restitución a un tipo de ... ecus/t
- Licens med forudfastsættelse af restitutionen til ... ECU/ton
- Lizenz mit Vorausfestsetzung der Erstattung zum Satz von ... ECU/t
- Πιστοποιητικό με προκαθορισμό της επιστροφής με ποσοστό ... Ecu/τόνο
- Licence with refund fixed in advance at ECU .../t
- Certificat avec fixation à l'avance de la restitution au taux de ... écus/t
- Titolo con fissazione anticipata della restituzione al tasso di ... ecu/t
- Certificaat met vaststelling vooraf van de restitutie op ... ECU/ton
- Certificado com prefixação da restituição à taxa de ... ecus/t
- Todistus, jonka vientitueksi on vahvistettu ennalta ... ecua/tonni
- Licens med förutfastställelse av bidraget på ett belopp av ... ecu/ton'.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.⁽³⁾ OJ L 292, 15. 11. 1996, p. 12.⁽⁴⁾ OJ L 93, 8. 4. 1997, p. 16.

2. Article 5 is amended as follows:

(a) in paragraph 1,

(i) in the first subparagraph, 'on the fifth working day' is replaced by 'on the second working day';

(ii) the second sentence of the second subparagraph is deleted;

(iii) in the third subparagraph, 'Hong Kong' is replaced by 'Hong Kong SAR';

(b) in paragraph 4,

(i) in the first subparagraph 'on Thursday of each week' is replaced by 'on Monday and on Thursday of each week';

(ii) the second subparagraph is replaced by the following:

'The information shall cover eligible applications received by the Member States between

the day before notification and the preceding notification.'

Article 2

Applications for system B licences in respect of exports the export declaration for which was accepted before the entry into force of this Regulation shall, where the application has not been notified to the Commission by the date on which this Regulation enters into force, be communicated to the Commission at the same time as the information to be notified under Article 5(4) of Regulation (EC) No 2190/96.

Article 3

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

Article 1(2) shall apply to export declarations accepted as from the date on which this Regulation enters into force and to communications to be made by the Member States as from that date.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 214/98**of 28 January 1998****amending Regulation (EC) No 411/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 48 thereof,

Whereas Article 2(4) of Commission Regulation (EC) No 411/97⁽³⁾, as last amended by Regulation (EC) No 1501/97⁽⁴⁾, defines the concept of marketed production as the products of members of a producer organisation disposed of under certain conditions; whereas, on grounds of economic consistency, it is necessary to specify that the marketed production mentioned above is that of the members of the producer organisation on 1 January in the year following the year to which the production relates;

Whereas Article 4(3)(b) of Regulation (EC) No 411/97 requires a bank account to be opened and used solely for transactions connected with the management of the operational fund; whereas detailed accounts that are annually verified and certified by auditors can offer the same guarantees as a separate bank account; whereas it is therefore appropriate to offer the Member States the option of applying this alternative system, at the request of a producer organisation;

Whereas Article 9(3) of the aforementioned Regulation provides that advances granted for operations which cannot be implemented within the time limits laid down are to be maintained in the operational fund under certain conditions, with a view to subsequent implementation of the operations in question; whereas it is necessary at present, for the sake of fairness, to extend this possibility to operations for which no advances have been granted and to require it to be proved to the satisfaction of the competent national authority that it was impossible to implement the operations in question for reasons beyond the control of the producer organisation concerned;

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

Regulation (EC) No 411/97 is amended as follows:

1. The following sentence is added to Article 2(4):

‘To establish the marketed production as referred to above for a given year, account shall be taken of the members of the producer organisation on 1 January in the following year.’

2. The following sentence is added to Article 4(3)(b):

‘At the request of a producer organisation, the Member States may decide to replace the evidence of the opening of a bank account by instead requiring the organisation to keep financial accounts comprising accounts for each operation in which each item of expenditure and revenue relating to the operational fund can be indentified and to have the accounts checked and certified annually by auditors.’

3. Article 9(3) is replaced by the following:

‘3. Applications for financial assistance or the balance thereof may cover expenditure programmed but not incurred relating to operation for which it is proved to the satisfaction of the competent national authority that they could not be carried out before 31 December of the year of implementation of the operational programme for reasons beyond the control of the producer organisation concerned and that they can be carried out before 30 April of the following year, provided that an equivalent contribution from the producer organisation is maintained in the operational fund.

The assistance shall be paid out and the security lodged in accordance with Article 8(2) shall be released only on condition that proof of implementation of the programmed expenditure referred to in the preceding subparagraph is provided before 30 April of the year following that for which the expenditure in question was programmed, and on the basis of the entitlement to the assistance actually established.’

Article 2

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

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 62, 4. 3. 1997, p. 9.

⁽⁴⁾ OJ L 202, 30. 7. 1997, p. 45.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 215/98
of 28 January 1998
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 January 1998.

⁽¹⁾ OJ L 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 28 January 1998 fixing the export refunds on olive oil
(ECU/100 kg)

Product code	Amount of refund ⁽¹⁾
1509 10 90 9100	6,00
1509 10 90 9900	0,00
1509 90 00 9100	4,50
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EC) No 216/98**of 28 January 1998****fixing the maximum export refunds for olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 January 1998.

Article 2

This Regulation shall enter into force on 29 January 1998.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 28 January 1998 fixing the maximum export refunds for olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

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

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

COMMISSION REGULATION (EC) No 217/98
of 28 January 1998
amending the import duties in the rice sector

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

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as last amended by Regulation (EC) No 1403/97 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas import duties in the rice sector have been fixed by Commission Regulation (EC) No 145/98 ⁽⁴⁾;

Whereas Article 4 (1) of Regulation (EC) No 1503/96 provides that if during the period of application, the

average import duty calculated differs by ECU 10 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 145/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 145/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 29 January 1998.

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 2.

⁽⁴⁾ OJ L 17, 22. 1. 1998, p. 20.

ANNEX I

to the Commission Regulation of 28 January 1998 altering the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	⁽⁷⁾	130,91		202,88
1006 10 23	⁽⁷⁾	130,91		202,88
1006 10 25	⁽⁷⁾	130,91		202,88
1006 10 27	⁽⁷⁾	130,91		202,88
1006 10 92	⁽⁷⁾	130,91		202,88
1006 10 94	⁽⁷⁾	130,91		202,88
1006 10 96	⁽⁷⁾	130,91		202,88
1006 10 98	⁽⁷⁾	130,91		202,88
1006 20 11	337,13	164,23		252,85
1006 20 13	337,13	164,23		252,85
1006 20 15	337,13	164,23		252,85
1006 20 17	237,10	114,21	0,00	177,83
1006 20 92	337,13	164,23		252,85
1006 20 94	337,13	164,23		252,85
1006 20 96	337,13	164,23		252,85
1006 20 98	237,10	114,21	0,00	177,83
1006 30 21	⁽⁷⁾	251,59		399,75
1006 30 23	⁽⁷⁾	251,59		399,75
1006 30 25	⁽⁷⁾	251,59		399,75
1006 30 27	⁽⁷⁾	251,59		399,75
1006 30 42	⁽⁷⁾	251,59		399,75
1006 30 44	⁽⁷⁾	251,59		399,75
1006 30 46	⁽⁷⁾	251,59		399,75
1006 30 48	⁽⁷⁾	251,59		399,75
1006 30 61	⁽⁷⁾	251,59		399,75
1006 30 63	⁽⁷⁾	251,59		399,75
1006 30 65	⁽⁷⁾	251,59		399,75
1006 30 67	⁽⁷⁾	251,59		399,75
1006 30 92	⁽⁷⁾	251,59		399,75
1006 30 94	⁽⁷⁾	251,59		399,75
1006 30 96	⁽⁷⁾	251,59		399,75
1006 30 98	⁽⁷⁾	251,59		399,75
1006 40 00	⁽⁷⁾	78,38		123,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

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

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ L 263, 19. 9. 1991, p. 1).

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	237,10	533,00	337,13	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	363,03	317,03	289,76	335,04	—
(b) fob price (ECU/tonne)	—	—	—	262,59	307,87	—
(c) Sea freight (ECU/tonne)	—	—	—	27,17	27,17	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 218/98

of 28 January 1998

amending Regulation (EC) No 1459/97 increasing to 459 728 tonnes the quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1459/97⁽⁵⁾, opened a standing invitation to tender for the export of 209 667 tonnes of rye held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 250 061 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 459 728 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1459/97 must therefore be amended;

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

Regulation (EC) No 1459/97 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 459 728 tonnes of rye to be exported to all third countries.

2. The regions in which the 459 728 tonnes of rye are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 28 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 199, 26. 7. 1997, p. 15.

*ANNEX**'ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	142 317
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	15 378
Berlin/Brandenburg/ Mecklenburg-Vorpommern	187 720
Sachsen/Sachsen-Anhalt/Thüringen	114 313'

COUNCIL DIRECTIVE 98/9/EC**of 20 January 1998****on the list of less-favoured farming areas within the meaning of Regulation (EC)
No 950/97 (Denmark)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures ⁽¹⁾, and in particular Article 21(2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas the permanent natural and geographical handicaps existing in the Danish islands result in higher production and transport costs which prevent farmers in these areas from obtaining, from their production, income on a level with that obtained by comparable farmers elsewhere in the Member State;

Whereas the Danish Government has sent the Commission, in accordance with Article 21(1) of Regulation (EC) No 950/97, a list of islands suitable for inclusion in the Community list of less-favoured farming areas and information on the particular features of these areas;

Whereas, with a view to identifying the areas affected by specific handicaps that can be deemed less-favoured areas as referred to in Article 25 of Regulation (EC) No 950/97, all islands with an area of less than 600 km² on which adverse natural conditions contribute to a farming income below the national average have been selected;

Whereas the total surface area of the relevant areas does not exceed 4 % of the total surface area of the Member State in question;

Whereas the nature and level of the above indices used by the Government of Denmark to define the areas notified to the Commission correspond to the characteristics of the areas affected by specific handicaps referred to in Article 25 of Regulation (EC) No 950/97,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The list of less-favoured farming areas in Denmark shall be that contained in the Annex to this Directive. They shall be included in the Community list of less-favoured farming areas within the meaning of Article 25 of Regulation (EC) No 950/97.

Article 2

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

Article 3

This Directive is addressed to the Kingdom of Denmark.

Done at Brussels, 20 January 1998.

For the Council

The President

J. CUNNINGHAM

⁽¹⁾ OJ L 142, 2. 6. 1997, p. 1.

⁽²⁾ OJ C 372, 9. 12. 1997, p. 21.

⁽³⁾ Opinion delivered on 14 January 1998 (not yet published in the Official Journal).

ANNEX

PROPOSED DANISH ISLANDS (LESS-FAVOURED AREAS)

Island name	Land area km ²	UAA in hectares
1. SAMSØ (1)	114,3	7 831
2. LÆSØ	113,8	2 466
3. FANØ (3)	55,8	929
<i>Sub-total: three main islands</i>	<i>283,9</i>	<i>11 226</i>
4. AGERSØ (4) including Egholm	7,83	709
5. ANHOLT	22,37	4
6. ASKØ including Lilleø	3,88	215
7. AVERNAKØ	5,85	289
8. BARSØ	2,66	232
9. BIRKHOLM	0,92	84
10. BJØRNØ	1,50	158
11. BAAGØ	6,23	566
12. DREJØ	4,28	235
13. EGHOLM [Nordjyllands amt.] (*)	6,00	448
14. ENDELAVE	13,08	800
15. FEJØ (5) including SKALØ	16,00	1 424
16. FEMØ (5)	11,38	1 009
17. FUR (2)	22,29	1 100
18. HJARNØ	3,21	287
19. HJORTØ	0,90	90
20. LYØ	6,05	371
21. MANDØ	7,63	547
22. NEKSELØ	2,23	214
23. OMØ	4,52	337
24. ORØ	15,02	1 200
25. SEJERØ	12,37	557
26. SKARØ	1,97	112
27. STRYNØ	4,88	340
28. TUNØ (1)	3,52	270
29. VENØ (2)	6,46	372
30. ÅRØ	5,68	150
<i>Sub-total other islands</i>	<i>199</i>	<i>12 120</i>
<i>Total of proposal</i>	<i>482,6</i>	<i>23 346</i>
Total DK	43 076,7	2 770 000
Less-favoured areas in %	1,1 %	0,84 %

4 % of 43 077 km² = 1 723 km²

(*) Islands in the same archipelago

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 January 1998

authorising the Member States to permit temporarily the marketing of vine propagating material not satisfying the requirements of Council Directive 68/193/EEC

(98/99/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 thereof,

Having regard to the request submitted by Italy,

Whereas in the Community and in Italy in particular the production of certain vine propagating materials, namely, top graft cuttings satisfying the requirements of Directive 68/193/EEC, has been insufficient in 1997 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with top graft cuttings satisfying all the requirements laid down in the said Directive;

Whereas Italy should therefore be authorised to permit the marketing, for a period expiring on 31 March 1998, of top graft cuttings of a category to which less stringent requirements apply;

Whereas other Member States likely to supply Italy with such material should furthermore be authorised to permit its marketing to this end;

Whereas this authorisation may only be used in accordance with the plant health conditions and requirements laid down by Council Directive 77/93/EEC⁽²⁾, as last

amended by Directive 97/14/EC⁽³⁾, and in particular Commission Decision 98/86/EC of 9 January 1998, authorising the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Croatia⁽⁴⁾;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Italy is authorised to permit, for a period expiring on 31 March, 1998, the marketing on its territory of a maximum of 450 000 top graft cuttings of varieties harvested in Croatia which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagation material, provided that:

- (a) the conditions and requirements of Decision 98/86/EC authorising the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Croatia, are met, and
- (b) the official label is brown and bears the words 'less stringent requirements'.

⁽¹⁾ OJ L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽³⁾ OJ L 87, 2. 4. 1997, p. 17.

⁽⁴⁾ OJ L 17, 22. 1. 1998, p. 25.

Article 2

Member States other than the applicant Member State are also authorised to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territories of top graft cuttings authorised to be marketed under this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of the quantities of prop-

agating material permitted to be marketed in their territories under this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 26 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission
