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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 560/98
of 9 March 1998**

**renewing for 1998 the measures laid down in Regulation (EC) No 1416/95
establishing certain concessions in the form of Community tariff quotas in 1995
for certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 1416/95 of 19 June 1995 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products⁽¹⁾ opened tariff quotas for 1995 in favour of Switzerland and Norway in accordance with the conditions set out in Annexes I and II thereto;

Whereas Regulation (EC) No 1416/95 was renewed for 1996 and 1997, respectively by Council Regulations (EC) No 102/96⁽²⁾ and (EC) No 306/97⁽³⁾;

Whereas Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁴⁾ consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation;

Whereas it was not possible to conclude additional Protocols before 1 January 1998; whereas, in these circumstances and pursuant to Articles 76, 102 and 128 of the Act of Accession, the Community should adopt measures

required to remedy the situation; whereas, therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 1998;

Whereas, as a result of changes in the tariff classification of certain goods referred to in Annexes I and II to Regulation (EC) No 1416/95, the said Annexes need to be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

The measures provided for in Article 1 of Regulation (EC) No 1416/95 shall be renewed to cover 1998.

Annexes I and II to Regulation (EC) No 1416/95 shall be replaced by Annexes I and II as they appear in the Annex hereto.

Article 2

The tariff quotas mentioned in Annexes I and II to Regulation (EC) No 1416/95 shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply with effect from 1 January 1998.

⁽¹⁾ OJ L 141, 24. 6. 1995, p. 1.

⁽²⁾ OJ L 19, 25. 1. 1996, p. 1.

⁽³⁾ OJ L 51, 21. 2. 1997, p. 8.

⁽⁴⁾ OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 1427/97 (OJ L 196, 24. 7. 1997, p. 31).

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

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

ANNEX

ANNEX I

PREFERENTIAL TARIFF QUOTAS OPENED FOR 1998

SWITZERLAND

Order number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0911	1302 20 10	Pectic substances, pectinates and pectates. Dry	550 tonnes	free
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95 % or more by weight	1 700 tonnes	free
09.0913	2101 20 20	Extracts, essences and concentrates, of tea	120 tonnes	free
09.0914	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	850 tonnes	free

ANNEX II

PREFERENTIAL TARIFF QUOTAS OPENED FOR 1998

NORWAY

Order number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine. Other	2 470 tonnes	free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	free
09.0767	2103 90 90 (taric code 90/11-90/19-90/98-90/99)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	free
09.0768	2104 10 00	Soups and broths and preparations therefor	390 tonnes	free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	free
09.0770	2203 00	Beer made from malt	4 800 hectolitres	free
09.0771	2207 10 00 (taric code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/other than those which obtained from agricultural products listed in Annex II to the EC Treaty	134 000 hectolitres	free
09.0772	2207 20 00 (taric code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those which obtained from agricultural products listed in Annex II to the EC Treaty	3 340 hectolitres	free
09.0773	2208 90 57 (taric code 20)	Aquavit	300 hectolitres	free
09.0774	2403 10 00	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	free'

COMMISSION REGULATION (EC) No 561/98
of 12 March 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 Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 12 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	81,7	0808 10 20, 0808 10 50, 0808 10 90	600	74,9
	212	108,9		999	77,2
	624	188,3		052	52,0
	999	126,3		060	39,9
0707 00 05	052	139,4		388	129,2
	999	139,4		400	98,0
0709 10 00	220	166,6		404	101,8
	999	166,6		508	96,3
0709 90 70	052	122,2		512	110,6
	204	103,0		524	97,0
	999	112,6		528	104,2
0805 10 10, 0805 10 30, 0805 10 50	052	53,0	0808 20 50	720	139,0
	204	36,5		999	96,8
	212	39,2		052	136,1
	600	55,3		388	76,5
	624	50,8		400	95,1
	999	47,0		512	77,2
0805 30 10	052	79,4		528	73,9
				999	91,8

⁽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 562/98

of 12 March 1998

adjusting the special aid for the processing of sugar beet into white sugar in the
Azores provided for in Article 25 of Regulation (EEC) No 1600/92

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular the second subparagraph of Article 25(2) thereof,

Whereas pursuant to Article 25(2) of Regulation (EEC) No 1600/92, under certain conditions, specific aid of ECU 12,08 per 100 kg of sugar has been paid since the 1992/93 marketing year for the processing of sugar beet harvested in the Azores into white sugar; whereas the second subparagraph of Article 25(2) of Regulation (EEC) No 1600/92 lays down that the amount of that aid may be adjusted;

Whereas the measure is intended to improve the production conditions for sugar beet and the competitiveness of the local sugar industry, within the limit of total annual production of 10 000 tonnes of white sugar;

Whereas the local processing industry can produce white sugar from local beet or from imported raw sugar or raw sugar supplied from the rest of the Community under the specific supply arrangements provided for under Title I of Regulation (EEC) No 1600/92; whereas, therefore, in order to achieve the objectives of the measure and *inter alia* not to damage the competitiveness of undertakings

choosing to obtain supplies of beet from the Azores, the amount of aid should be adjusted from the 1998/99 marketing year to take account of the special conditions for the processing of beet in the Azores where costs can only be spread over a limited volume of production;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in the second subparagraph of Article 25(2) of Regulation (EEC) No 1600/92 shall be ECU 27 per 100 kilograms of white sugar from the 1998/99 marketing year.

Article 2

Portugal shall establish annually a report on the working of the scheme.

Article 3

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

It shall apply from 1 July 1998.

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

Done at Brussels, 12 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

COMMISSION DECISION No 563/98/ECSC**of 12 March 1998****derogating from High Authority Recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (165th derogation)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to High Authority Recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community ⁽¹⁾, as last amended by Commission Recommendation 88/27/ECSC ⁽²⁾, and in particular Article 3 thereof,

Whereas certain iron and steel products indispensable to the manufacture of certain goods and having very special physical and chemical characteristics are not produced in the Community, or are produced in insufficient quantities; whereas for a number of years the insufficiency has been overcome by duty-free tariff quotas; whereas Community producers are still not in a position to comply with the present quality requirements put forward by the users; whereas duty-free tariff quotas at a level securing the supply of users is consequently required;

Whereas import of these products on preferential terms is not injurious to iron and steel undertakings in the Community which produce directly competing products;

Whereas these tariff quotas are unlikely to jeopardise the objectives of Recommendation No 1/64, but will help to maintain existing trade flows between the Community and non-member countries;

Whereas these are special cases in the commercial policy field justifying the authorisation of derogations pursuant to Article 3 of Recommendation No 1/64;

Whereas it is necessary to make sure that the tariff quotas granted will have no other function than meeting the specific needs of certain transforming industries;

Whereas the Governments of the Member States have been consulted on the tariff quotas set out below;

Whereas Commission Regulation (EC) No 1427/97 of 23 July 1997 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾ fixes rules for managing tariff quotas to be used in chronological order of the dates of declarations,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorised to derogate from the obligations arising pursuant to Article 1 of High Authority Recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within the quantities of the tariff quotas set out below:

⁽¹⁾ OJ 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ L 15, 20. 1. 1988, p. 13.

⁽³⁾ OJ L 196, 24. 7. 1997, p. 31.

Order No	CN code	Taric-code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
09.2921	(a)		Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced) not clad, plated or coated:	200	0	31.12.1998
	ex 7209 16 90	10	Of a thickness exceeding 1 mm but less than 3 mm			
	ex 7209 17 90	10	Of a thickness of 0,5 mm or more but not exceeding 1 mm			
09.2922	(b)		Flat-rolled products of stainless steel, of a width of 600 mm or more, cold-rolled (cold-reduced):	400	0	31.12.1998
	ex 7219 33 10	11 12	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	11 12	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel			
09.2927	(c)		Flat-rolled products of stainless steel, of a width of 600 mm or more not further worked than cold-rolled (cold-reduced):	750	0	31.12.1998
	ex 7219 33 10	13 14 15 16 17 18	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	13 14 15 16 17 18	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel			

2. The abovementioned products must, in addition, comply with the following physical specifications:

(a) Products falling within CN codes ex 7209 16 90 and ex 7209 17 90:

High carbon steel with a carbon content by weight of 0,64 to 0,70 % for the production of process or transport belts with a permissible operating temperature of 400 °C. Tensile strength 1 200 N/mm² (± 10 %). Other elements or properties following special technical specification (HM 1708).

(b) Products falling within CN codes ex 7219 33 10 11/12 and ex 7219 34 10 11/12:

Stainless steel 'Nicro' for the production of process or transport belts with a permissible operating temperature of 350 °C.

Type (i) Nicro 31: tensile strength 1 050 N/mm² ($\pm$ 10 %). Chemical composition: maximum carbon content 0,06 %; 13 % chromium content; 4 % nickel content.

Other elements or properties following special technical specification (HM 1708)

Type (ii) Nicro 52,6: tensile strength 1 550 N/mm² ($\pm$ 15 %). Chemical composition: maximum carbon content 0,09 %; 15 % chromium content; 7 % nickel content; 0,7 % copper content; 0,4 % titanium content.

Other elements or properties following special technical specification (HM 1708).

- (c) Products falling within CN codes ex 7219 33 10 13/14/15/16/17/18 and ex 7219 34 10 13/14/15/16/17/18:

Stainless steel for the production of process or transport belts

Type (i): tensile strength 1 200 N/mm². Chemical composition: 0,1 % carbon content; 0,6 % silicon content; 1,4 % manganese content; 17,5 % chromium content; 7,5 % nickel content.

Other elements or properties following special technical specification (HM 1712).

Type (ii): tensile strength 1 200 N/mm². Chemical composition: 0,06 % carbon content; 0,6 % silicon content; 1,4 % manganese content; 18,5 % chromium content; 8,5 % nickel content.

Other elements or properties following special technical specification.

Type (iii): tensile strength 1 000 N/mm². Chemical composition: 0,05 % carbon content; 0,6 % silicon content; 1,7 % manganese content; 17,5 % chromium content; 12,5 % nickel content; 2,7 % molybdenum content.

Other elements or properties following special technical specification.

Type (iv): tensile strength 1 080 N/mm². Chemical composition: maximum carbon content 0,05 %; maximum silicon content 1 %; 13 % chromium content; 4 % nickel content; 0,3 % titanium content.

Other elements or properties following special technical specification (HM 1710).

Type (v): tensile strength 1 150 N/mm². Chemical composition: maximum carbon content 0,08 %; 1,5 % silicon content; 14 % chromium content; 7 % nickel content; 0,7 % copper content.

Other elements or properties following special technical specification (HM 1701).

Type (vi): tensile strength 1 200 N/mm². Chemical composition: 0,03 % carbon content; 0,6 % silicon content; 15,25 % chromium content; 4,9 % nickel content; 3,25 % copper content.

Other elements or properties following special technical specification.

Note: The composition of products (a), (b) and (c) (i) to (vi) may vary within the limits of the standards applicable to analysis.

Article 2

Member States are hereby authorised to derogate from the obligations arising pursuant to Article 1 of High Authority Recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within the quantities of the tariff quotas set out below:

Order No	CN code	Taric-code	Description	Quota (tonnes)	Quota duty (%)	End of quota period
09.2923	(a) ex 7227 90 95	15	Special wire rod for the manufacture of oil-tempered valve spring wire with a diameter of 5 mm or more but not exceeding 15 mm, of other alloy steel containing by weight: 0,5 % or more but not more than 0,8 % of carbon 0,1 % or more but not more than 1,7 % of silicon 0,5 % or more but not more than 0,8 % of manganese 0,03 % or less of sulphur 0,03 % or less of phosphorus 0,4 % or more but not more than 0,8 % of chrome 0,1 % or more but not more than 0,3 % of vanadium	5 000	0	31.12.1998
09.2924	(b) ex 7227 90 95	25	Special wire rod for the manufacture of oil-tempered valve spring wire with a diameter of 5,5 mm or more but not exceeding 10 mm, of other alloy steel containing by weight: 0,63 % or more but not more than 0,72 % of carbon 0,15 % or more but not more than 0,3 % of silicon 0,5 % or more but not more than 0,9 % of manganese 0,02 % or less of sulphur 0,02 % or less of phosphorus 0,4 % or more but not more than 0,6 % of chrome 0,06 % or less of copper 0,06 % or less of nickel 0,1 % or more but not more than 0,2 % of vanadium	500	0	31.12.1998

Article 3

The tariff quotas referred to in Articles 1 and 2 shall be managed by the Commission, in accordance with Articles 308a to 308c of Commission Regulation (EEC) No 2454/93 ⁽¹⁾. The Commission may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Decision is complied with.

Article 6

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

It shall apply with effect from 1 January until 31 December 1998.

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

Done at Brussels, 12 March 1998.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ L 253, 11. 10. 1993, p. 1.

COMMISSION REGULATION (EC) No 564/98

of 12 March 1998

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas possibilities exist for a quantity of 100 000 tonnes of maize to be exported to certain destinations under invitations to tender issued by the World Food Programme; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 444/98⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ L 56, 26. 2. 1998, p. 12.

ANNEX

to the Commission Regulation of 12 March 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	18,00
1001 90 91 9000	—	—	1101 00 15 9130	01	17,00
1001 90 99 9000	03	5,00	1101 00 15 9150	01	15,50
	02	0	1101 00 15 9170	01	14,50
1002 00 00 9000	03	25,00	1101 00 15 9180	01	13,50
	02	35,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	21,00	1102 10 00 9500	01	47,50
	02	47,00	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	04	23,00 ⁽³⁾	1103 11 10 9900	—	—
	03	13,00	1103 11 90 9200	01	0 ⁽²⁾
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein,
- 04 Tanzania, Burundi, Republic of Congo (Brazzaville), Democratic Republic of Congo.

⁽²⁾ No refund is granted when this product contains compressed meal.

⁽³⁾ Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 100 000 tonnes of maize to be exported to Tanzania, Burundi, the Republic of Congo (Brazzaville) and the Democratic Republic of Congo, under invitations to tender issued by the World Food Programme.

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

COMMISSION REGULATION (EC) No 565/98**of 12 March 1998****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽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.

ANNEX

to the Commission Regulation of 12 March 1998 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)

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

⁽¹⁾ The destinations are identified as follows:
01 all third countries.

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

COMMISSION REGULATION (EC) No 566/98
of 12 March 1998
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EC) No 1516/95⁽⁶⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat and/or barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 5,60 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 5,60 per tonne.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 567/98**of 12 March 1998****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Commission Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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 export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 12 March 1998 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	28,39	1104 23 10 9100	30,42
1102 20 10 9400 ⁽¹⁾	24,34	1104 23 10 9300	23,32
1102 20 90 9200 ⁽¹⁾	24,34	1104 29 11 9000	12,57
1102 90 10 9100	9,20	1104 29 51 9000	12,32
1102 90 10 9900	6,25	1104 29 55 9000	12,32
1102 90 30 9100	33,77	1104 30 10 9000	3,08
1103 12 00 9100	33,77	1104 30 90 9000	5,07
1103 13 10 9100 ⁽¹⁾	36,50	1107 10 11 9000	21,93
1103 13 10 9300 ⁽¹⁾	28,39	1107 10 91 9000	10,91
1103 13 10 9500 ⁽¹⁾	24,34	1108 11 00 9200	24,64
1103 13 90 9100 ⁽¹⁾	24,34	1108 11 00 9300	24,64
1103 19 10 9000	29,79	1108 12 00 9200	32,45
1103 19 30 9100	9,50	1108 12 00 9300	32,45
1103 21 00 9000	12,57	1108 13 00 9200	32,45
1103 29 20 9000	6,25	1108 13 00 9300	32,45
1104 11 90 9100	9,20	1108 19 10 9200	33,44
1104 12 90 9100	37,52	1108 19 10 9300	33,44
1104 12 90 9300	30,02	1109 00 00 9100	0,00
1104 19 10 9000	12,57	1702 30 51 9000 ⁽²⁾	38,23
1104 19 50 9110	32,45	1702 30 59 9000 ⁽²⁾	29,26
1104 19 50 9130	26,36	1702 30 91 9000	38,23
1104 21 10 9100	9,20	1702 30 99 9000	29,26
1104 21 30 9100	9,20	1702 40 90 9000	29,26
1104 21 50 9100	12,26	1702 90 50 9100	38,23
1104 21 50 9300	9,81	1702 90 50 9900	29,26
1104 22 20 9100	30,02	1702 90 75 9000	40,06
1104 22 30 9100	31,89	1702 90 79 9000	27,80
		2106 90 55 9000	29,26

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 568/98**of 12 March 1998****fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or 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 (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of

the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 12 March 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	20,28
Cereal products ⁽²⁾ excluding maize and maize products	9,23

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 569/98
of 12 March 1998

**fixing the maximum export refund on barley in connection with the invitation to
tender issued in Regulation (EC) No 1337/97**

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 Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 6 to 12 March 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 31,45 per tonne.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 570/98
of 12 March 1998

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1339/97**

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 Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1339/97 ⁽⁵⁾, as amended by Regulation (EC) No 507/98 ⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 6 to 12 March 1998, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 14,74 per tonne.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 63, 4. 3. 1998, p. 20.

COMMISSION REGULATION (EC) No 571/98**of 12 March 1998****concerning tenders notified in response to the invitation to tender for the export
of oats issued in Regulation (EC) No 1773/97**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 547/98 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

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

No action shall be taken on the tenders notified from 6 to 12 March 1998 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1773/97.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 72, 11. 3. 1998, p. 11.

COMMISSION REGULATION (EC) No 572/98**of 12 March 1998****concerning tenders notified in response to the invitation to tender for the export
of maize issued in Regulation (EC) No 180/98**

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund for the export of maize from Greece to all third countries was opened pursuant to Commission Regulation (EC) No 180/98⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC)

No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

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

No action shall be taken on the tenders notified from 6 to 12 March 1998 in response to the invitation to tender for the refund for the export of maize issued in Regulation (EC) No 180/98.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 19, 24. 1. 1998, p. 47.

COMMISSION REGULATION (EC) No 573/98**of 12 March 1998****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2506/97**

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 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2506/97 ⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to

any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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

For tenders notified from 6 to 12 March 1998, pursuant to the invitation to tender issued in Regulation (EC) No 2506/97, the maximum reduction in the duty on maize imported shall be ECU 55,43 per tonne and be valid for a total maximum quantity of 84 500 tonnes.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 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 345, 16. 12. 1997, p. 28.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 574/98

of 12 March 1998

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1909/97⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 12 March 1998.

For the Commission

Martin BANGEMANN

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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 12 March 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	0,801 0,636 1,232
1002 00 00	Rye	2,979
1003 00 90	Barley	1,785
1004 00 00	Oats	1,876
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	1,283 2,028 1,084 1,829 2,028 1,283 2,028
1006 20	Husked rice: — round grain — medium grain — long grain	— — —
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	— — —
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	— — —

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,785
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,985
	— in other cases	1,515
1102 10 00	Rye flour	3,664
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,985
	— in other cases	1,515

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 575/98**of 12 March 1998****on the issue of import licences for rice and broken rice against applications submitted under Article 2(2) of Regulation (EC) No 327/98 (additional tranche for January 1998)**

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

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas Article 2(2) of Regulation (EC) No 327/98 provides for the opening of an additional tranche for the issue of import licences for January 1998; whereas licence applications for this additional tranche are to be submitted during the first 10 working days following the entry into force of Regulation (EC) No 327/98;

Whereas, pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche;

Whereas examination of the quantities for which applications have been submitted shows that licences should be

issued for the quantities applied for multiplied, where appropriate, by a percentage reduction in accordance with the provisions of the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice and broken rice against applications submitted under Article 2(2) of Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for multiplied, where appropriate, by the percentage reductions set out in the Annex hereto.

2. The quantities available under the following tranche shall be as set out in 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, 12 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 37, 11. 2. 1998, p. 5.

ANNEX

Reduction percentages to be applied to the quantities applied for and the quantities available for the following tranche:

(i) quantity referred to in Article 2(2)(i): semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	% reduction	Quantity available for the April 1998 tranche (in tonnes)
Thailand	0 (1)	7 875

(1) Issue for the quantity applied for.

(ii) quantity referred to in Article 2(2)(ii): broken rice falling within CN code 1006 40 00

Origin	% reduction	Quantity available for the July 1998 tranche (in tonnes)
Thailand	0 (1)	28 240
Australia	75	6 457
Guyana	0 (1)	8 503
United States of America	0 (1)	3 641
Other origins	90,7616	7 240

(1) Issue for the quantity applied for.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 March 1998

authorizing the United Kingdom to extend application of a measure derogating from Articles 6 and 17 of the Sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(98/198/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27 thereof,

Having regard to the previous Decision 95/252/EC ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by letter registered at the Commission on 6 October 1997, the United Kingdom requested authorisation to extend application of the derogation previously granted to it by Decision 95/252/EC;

Whereas the other Member States were informed on 23 October 1997 of the United Kingdom's request;

Whereas the United Kingdom was authorised by Decision 95/252/EC to apply until 31 December 1997 a measure derogating from Articles 6 and 17 of Directive 77/388/EEC;

Whereas the derogation in question is designed, firstly, to restrict to 50 % the right of the hirer or lessee of a car to deduct the VAT on the hire or leasing transaction where the car is used for private purposes and, secondly, to waive the VAT payable on the private use of the car in question;

Whereas the objective of this restriction of the right to deduct is to tax the private use of cars hired or leased by taxable persons at a flat rate;

Whereas the measure, by reducing the administrative burden on traders, who are not required to keep records of private mileage, constitutes a simplification of the procedure for charging tax within the meaning of Article 27 of Directive 77/388/EEC;

Whereas the Commission adopted on 10 July 1996 a work programme, accompanied by a schedule of proposals, providing for gradual, stage-by-stage progress towards a common VAT system for the internal market;

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 96/95/EC (OJ L 338, 28. 12. 1996, p. 89).

⁽²⁾ OJ L 159, 11. 7. 1995, p. 19.

Whereas the authorisation is being granted until 31 December 1998 so as to enable an assessment to be made at that time as to whether the derogation measure is consistent with the Community approach to limitations of the right to deduct VAT on certain expenditure, which will be adopted under that programme;

Whereas the derogation will not have an adverse impact on the Community's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 17(2) and (3) of Directive 77/388/EEC the United Kingdom is hereby authorised to restrict to 50 % the right of the hirer or lessee of a car to deduct the VAT on the cost of hiring or leasing that car where it is used for private purposes.

Article 2

By way of derogation from Article 6(2)(a) of Directive 77/388/EEC the United Kingdom is hereby authorised not to treat as supplies of services for consideration the private use of a business car hired or leased by a taxable person.

Article 3

This authorisation shall expire on 31 December 1998.

Article 4

This Decision is addressed to the United Kingdom.

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

DECISION No 1/98 OF THE ASSOCIATION COUNCIL,
Association between the European Communities and their Member States, of the
one part, and the Republic of Poland, of the other,
of 27 February 1998
adopting the terms and conditions for the participation of Poland in Com-
munity programmes in the fields of training, youth and education

(98/199/EC)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other⁽¹⁾,

Poland shall participate in the European Community programmes Leonardo da Vinci, Youth for Europe and Socrates in accordance with the attached terms and conditions, which shall form an integral part of this Decision.

Article 2

Having regard to the Additional Protocol to the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part concerning Poland's participation in Community programmes, and in particular Articles 1 and 2 thereof⁽²⁾,

This Decision shall apply for the duration of the Leonardo da Vinci, Youth for Europe and Socrates programmes.

Article 3

Whereas according to Article 1 of the Additional Protocol, Poland may participate in Community framework programmes, specific programmes, projects or other actions in particular in the fields of training, youth and education;

This Decision shall enter into force on the first day of the month following that of its adoption by the Association Council.

Done at Brussels, 27 February 1998.

Whereas pursuant to Article 2 of the Additional Protocol the terms and conditions for the participating of Poland in the activities referred to in Article 1 shall be decided by the Association Council,

For the Association Council
The Chairman
R. COOK

⁽¹⁾ OJ L 348, 31. 12. 1993, p. 2.

⁽²⁾ OJ L 317, 30. 12. 1995, p. 35.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF POLAND IN THE LEONARDO DA VINCI, YOUTH FOR EUROPE AND SOCRATES PROGRAMMES

1. Poland shall participate in all actions of the Leonardo da Vinci, Youth for Europe and Socrates programmes (hereinafter called 'the programmes') in accordance, unless otherwise provided in this Decision, with the objectives, criteria, procedures and deadlines as defined in Council Decisions 94/819/EC establishing an action programme for the implementation of a European Community vocational training policy, Decision 818/95/EC of the European Parliament and of the Council adopting the third phase of the 'Youth for Europe' programme and Decision 819/95/EC of the European Parliament and of the Council establishing the European Community action programme in the field of education.
2. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Poland shall be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Language preparation and training activities concern the official languages of the Community. In exceptional circumstances, other languages could be accepted if the implementation of the programmes so requires.
3. To ensure the Community dimension of the programmes, transnational projects and activities proposed by Poland will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the programmes, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the Programme. Projects and activities carried out solely between Poland and the EFTA-EEA States or any other third country, including those which have concluded an association agreement with the Community, to which participation in the Programmes is open, shall not be eligible for Community financial support.
4. In accordance with the terms of the relevant provisions of the Decisions on the Leonardo da Vinci, Youth for Europe and Socrates programmes, Poland shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organisation of the implementation of the programmes.
5. Poland shall pay each year a contribution to the general budget of the European Communities to cover the costs resulting from its participation in the programmes.

The rules governing the financial contribution of Poland shall be those set out in the Annex, which constitutes an integral part of this Decision. The Association Committee shall be entitled to adapt this contribution whenever necessary.
6. The Member States of the Community and Poland shall make every effort, within the framework of existing provisions, to facilitate the free movement and residence of students, teachers, university administrators, young people and other eligible persons moving between Poland and the Member States of the Community for the purpose of participating in activities covered by this Decision.
7. Without prejudice to the responsibilities of the Commission and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programmes pursuant to Articles 10, 9 and 8 of Leonardo da Vinci, Youth for Europe and Socrates decisions respectively, the participation of Poland in the programmes shall be continuously monitored on a partnership basis involving the Commission and Poland. Poland shall submit to the Commission relevant reports and take part in other specific activities set out by the Community to this end.
8. Without prejudice to the procedures referred to in Article 6 of the Decision on Leonardo da Vinci, Article 6 of the Decision on Youth for Europe and Article 4 of the Decision on Socrates, Poland shall be invited to coordination meetings on any question concerning the implementation of this Decision prior to the regular meetings of the Committees. The Commission shall inform Poland of the results of such regular meetings.
9. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, shall be one of the official languages of the Community.

*ANNEX II***FINANCIAL CONTRIBUTION OF POLAND TO LEONARDO DA VINCI, SOCRATES AND YOUTH FOR EUROPE****1. The financial contribution of Poland will cover:**

- subsidies or any other financial support from the programmes to Polish participants,
- the financial support from the programmes to the functioning of the national agencies, where applicable,
- supplementary administrative costs related to the management of the programmes by the Commission of the European Communities stemming from Poland's participation.

2. For every budget year, the aggregated amount of subsidies or any other financial support received from the programmes by the Polish beneficiaries and by the national agencies of Poland will not exceed the contribution paid by Poland, after deduction of the supplementary administrative costs.

Should the contribution paid by Poland to the general budget of the European Communities, after deduction of the supplementary administration costs, be higher than the aggregated amount of the subsidies or other financial support received by the Polish beneficiaries and by the national agencies from the programmes, the Commission of the European Communities will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the programmes come to an end, the corresponding amount will be reimbursed to Poland.

3. Leonardo da Vinci

Poland's annual contribution will be ECU 6 420 000 from 1997. From this sum, an amount of ECU 420 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Poland's participation.

4. Socrates

Poland's contribution will be:

- ECU 5 176 660 in 1997 for its participation in Chapter II (School education, Comenius) and Chapter III (horizontal measures). From this sum, an amount of ECU 338 660 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Poland's participation,
- ECU 11 764 650 in 1998 and in 1999, for its participation in the entire Socrates programme, including Chapter I (Erasmus). From this sum, an amount of ECU 769 650 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Poland's participation.

5. Youth for Europe

Poland's annual contribution will be:

- ECU 1 000 000 in 1997 for participating in actions AI and BI,
- ECU 1 500 000 in 1998 and ECU 2 000 000 in 1999 for participating in all the actions of the programme, except Action D.

From these sums, an amount of ECU 65 000 in 1997, ECU 98 000 in 1998 and ECU 130 000 in 1999 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Poland's participation.

6. The financial regulation applicable to the general budget of the European Communities shall apply, notably to the management of the contribution of Poland.

After the entry into force of this Decision and at the beginning of each following year, the Commission shall send to Poland a call for funds corresponding to its contribution to the costs under the Decision.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

Poland shall pay its contribution to the annual costs under this Decision according to the call for funds, at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Poland on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Monetary Cooperation Fund, for the month of the due date, for its operations in ecus⁽¹⁾, increased by 1,5 percentage points.

7. Poland shall pay the supplementary administrative costs referred to in paragraphs 3, 4 and 5 from its national budget.
8. Poland shall pay 3 % (1997), 13 % (1998) and 23 % (1999) of the remaining costs of its participation in the Programmes from its national budget.

Subject to regular PHARE programming procedures, the remaining 97 % (1997), 87 % (1998) and 77 % (1999) will be paid from Poland's annual PHARE Programmes.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities* — C series.

COMMISSION

COMMISSION DECISION

of 4 March 1998

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

(98/200/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 Austria,

Whereas in the Community and in Austria in particular the production of certain vine propagating materials 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 material satisfying all the requirements laid down in the said Directive;

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

Whereas other Member States likely to supply Austria 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 98/2/EC ⁽³⁾, and in particular Commission Decision 98/201/EC of 4 March 1998, authorising the Member States exceptionally to provide for derogations from certain provisions of Directive

77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Hungary or Romania ⁽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

1. Austria is authorised to permit, for a period expiring on 31 March 1998, the marketing on its territory of a maximum of 1 500 000 rootstock cuttings of the varieties 5BB or 5C for grafting, which have been harvested in Hungary or Romania and 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 98/201/EC authorising the Member States exceptionally to provide for derogations from certain provisions of Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Hungary or Romania, are met, and
- (b) the official label is brown and bears the words 'less stringent requirements'.

2. Austria is authorised to permit the marketing in its territory of rooted grafts produced in the Community from the abovementioned rootstock cuttings for grafting, provided that 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 15, 21. 1. 1998, p. 34.

⁽⁴⁾ See page 39 of this Official Journal.

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 the material 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 propa-

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

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 4 March 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 Hungary or Romania

(98/201/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by Austria, in respect of plants of *Vitis* L., other than fruits, originating in Hungary or Romania,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits, originating in third countries, may in principle not be introduced into the Community;

Whereas the use of propagating material of *Vitis* L. imported from Hungary or Romania had become an established practice before Austria's accession to the Community; whereas this propagating material was intended to be used to produce grafted material in Austria;

Whereas, in respect of the said imports into the Community of the said plants, on the basis of information supplied by the relevant Member State, it appears that in Hungary or Romania, plants of *Vitis* L. can be grown under adequate health conditions and that there are no sources for the introduction of exotic diseases affecting plants of *Vitis* L.;

Whereas therefore a derogation should be authorised for a limited period, provided that it includes specific conditions and without prejudice to Council Directive 68/193/EEC⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and any implementing measures made thereunder;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15 of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Hungary or Romania.
2. The following specific conditions shall be satisfied:
 - (a) the plants shall be propagating material in the form of unrooted cuttings (hereinafter referred to as 'cuttings') of the following rootstock varieties:
 - *Vitis berlandieri* x *Vitis riparia*, selection Kober 5BB,
 - *Vitis berlandieri* x *Vitis riparia* 5C;
 - (b) the cuttings shall be intended to be used in the Community at premises referred to in (h), as rootstocks for grafting in order to produce grafted plants in the Community;
 - (c) the cuttings intended for the Community shall be:
 - harvested from stock plantation material grown in vineyards, which are officially registered. The lists of the registered vineyards shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 1 February 1998. These lists shall include the name(s) of the rootstock varieties, the number of rows planted with these varieties, the number of plants per row for each of these vineyards, as far as they are deemed suitable for dispatch to the Community in 1998, under the conditions laid down in this Decision,
 - properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,
 - accompanied by a phytosanitary certificate issued in Hungary or Romania in accordance with Article 7 of Directive 77/93/EEC, on the basis of the

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 93, 17. 4. 1968, p. 15.

examination laid down in Article 6 thereof, in particular for freedom from the following harmful organisms:

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,
- Grapevine Flavescence dorée MLO,
- *Xylella fastidiosa* (Well et Raju),
- *Trechispora brinkmannii* (Bresad.) Rogers,
- Tobacco ringspot virus,
- Tomato ringspot virus,
- Blueberry leaf mottle virus,
- Peach rosette mosaic virus.

The certificate shall state under 'Additional Declaration', the indication 'this consignment meets the conditions laid down in Decision 98/201/EC';

- (d) the official plant protection organisation of Hungary or Romania shall ensure the identity of the cuttings from the time of harvesting as referred to in (c), first indent, until the time of loading for export to the Community;
- (e) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies, referred to in the said Directive, of the Member States making use of this derogation, and where appropriate, in cooperation with the said bodies of the Member State in which the cuttings will be used as rootstocks. Without prejudice to the monitoring referred to in Article 19a(3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19a(3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;
- (f) the cuttings shall be introduced through points of entry situated within the territory of a Member State making use of this derogation and designated for the purposes of this derogation by that Member State;
- (g) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State shall without delay convey the details of the notification to the Commission, indicating:
 - the type of material,
 - the variety and quantity,
 - the declared date of introduction and confirmation of the point of entry,
 - the names, addresses and the locations of the premises referred to in (h) where the cuttings will

be used as rootstocks and where the grafted plants will subsequently be planted.

At the time of import the importer shall provide confirmation of the details of the aforementioned advance notification.

The importer shall be officially informed, prior to the introduction, of the conditions laid down in (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j);

- (h) the cuttings shall be used as rootstocks for grafting and the grafted plants subsequently planted, only at premises:
 - for which the names, addresses and the locations have been notified by the person who intends to use the cuttings imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated, and
 - authorised for the purpose indicated in the first indent by the said responsible official bodies as satisfying the provisions laid down in the Annex.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the cuttings will be used for grafting and subsequently planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

- (i) at the premises referred to in (h), the
 - cuttings shall be subjected immediately upon arrival to testing on representative samples and using appropriate laboratory methods, and, where appropriate, indicator plants for the detection of at least the following harmful organisms:
 - a. Blueberry leaf mottle virus,
 - b. Grapevine Flavescence dorée MLO and other grapevine yellows,
 - c. Peach rosette mosaic virus,
 - d. Tobacco ringspot virus,
 - e. Tomato ringspot virus (strain 'yellow vein' and other strains),
 - f. *Xylella fastidiosa* (Well & Raju),
 - g. *Xylophilus ampelinus* (Panagopoulos) Willems et al.

The material which has been found free from the harmful organisms referred to in this indent may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in (h) and shall remain on the premises, whether planted or stored in a bare rooted state until they are ready for sale,

- grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of harmful organisms or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); in order to identify the harmful organisms having caused such signs or symptoms an appropriate testing on any symptom observed in the visual inspection shall be carried out,
 - any plant which has not been found free during the said inspections or testing, referred to in the previous indents, from harmful organisms listed under (c) third indent, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies;
- (j) any grafted plant resulting from a successful grafting using the cuttings referred to in (a) shall only be released in 1999.

Article 2

Member states shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(g), first sentence, of any use of the authorisation. They shall provide the Commission and the other Member States, before 1 July 1998, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(i). Furthermore any other Member State in which the rootstocks are used for

grafting and in which the grafted plants are planted, after the import, shall also provide the Commission and the other Member States, before 1 July 1998, with a detailed technical report of the official examination referred to in Article 1(2)(i).

Article 3

Without prejudice to the provisions laid down in Article 14(3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

This Decision shall apply during the period between 15 March and 31 March 1998. It shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The quarantine containment conditions of the premises and facilities at the site or sites at which the activities are to be undertaken shall be sufficient to ensure a safe handling of the material such that any harmful organisms of concern are contained and the risk of spreading such harmful organisms eliminated. For each activity specified in the application, the risk of spread of the harmful organisms held under quarantine containment conditions shall be determined by the responsible official body, having regard to the type of material and the activity envisaged, and to the biology of the harmful organisms, the means of their dispersal, the interaction with the environment and other relevant factors relating to the risk posed by the material concerned. As a result of the assessment of the risk the responsible official body shall consider and lay down as appropriate:

- (a) the following quarantine measures concerning the premises, facilities and working procedures:
- physical isolation from all other plant/harmful organism material, including consideration of control of vegetation in surrounding areas,
 - designation of a contact person responsible for the activities,
 - restricted access to the premises and facilities, and to the surrounding area, as appropriate, to named personnel only,
 - appropriate identification of the premises and facilities indicating the type of activities and the personnel responsible,
 - maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of escape of harmful organisms from containment,
 - appropriate security and alarm systems,
 - appropriate control measures to prevent the introduction into and the spread within the premises of harmful organisms,
 - controlled procedures for sampling and for transfer between premises and facilities, of the material,
 - controlled waste, soil and water disposal, as appropriate,
 - appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment,
 - appropriate measures and facilities for disposal of experimental material,
 - appropriate indexing (including testing) facilities and procedures;
- and
- (b) further quarantine measures according to the specific biology and epidemiology of the type of material involved and the activities approved,
- maintenance in facilities with separate chamber 'double door' access to personnel,
 - maintenance under negative air pressure,
 - maintenance in escape-proof containers with appropriate mesh size and other barriers e.g. water barrier for mites, closed soil containers for nematodes, electric insect traps,
 - maintenance in isolation from other harmful organisms and material, e.g. viruliferous plant food material, host material,
 - maintenance of material for breeding in breeding cages with manipulation devices,
 - no interbreeding of the harmful organisms with indigenous strains or species,
 - avoidance of continuous culture of the harmful organisms,
 - maintenance under conditions that strictly control the multiplication of the harmful organism, e.g. under an environmental regime such that diapause does not occur,
 - maintenance in such a way that no spread by propagules can occur, e.g. air streams should be avoided,
 - procedures to check the purity of cultures of the harmful organisms for freedom from parasites and other harmful organisms,
 - appropriate control programmes for the material to eliminate possible vectors,

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- for *in vitro* activities, handling of the material under sterile conditions: equipping the laboratory for the performance of aseptic procedures,
 - maintenance of harmful organisms spread by vectors under conditions such that there is no spread via the vector e.g. controlled mesh size, containment of soil,
 - seasonal isolation to ensure the activities are done during periods of low plant health risk.
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