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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 608/98 of 18 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 609/98 of 18 March 1998 fixing the representative prices and the additional import duties for molasses in the sugar sector	3
Commission Regulation (EC) No 610/98 of 18 March 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	5
Commission Regulation (EC) No 611/98 of 18 March 1998 fixing the maximum export refund for white sugar for the 31st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97	7
★ Commission Regulation (EC) No 612/98 of 17 March 1998 establishing unit values for the determination of the customs value of certain perishable goods	8
★ Commission Regulation (EC) No 613/98 of 18 March 1998 amending Annexes II, III and IV of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾	14
★ Commission Regulation (EC) No 614/98 of 18 March 1998 derogating from Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards public intervention	18

⁽¹⁾ Text with EEA relevance

* Commission Regulation (EC) No 615/98 of 18 March 1998 laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport.....	19
* Commission Regulation (EC) No 616/98 of 18 March 1998 providing for the grant of private storage aid fixed in advance for carcasses and half-carcasses of lamb in Ireland and the United Kingdom	23
* Commission Regulation (EC) No 617/98 of 18 March 1998 imposing a provisional anti-dumping duty on imports of polysulphide polymers originating in the United States of America	25
* Commission Regulation (EC) No 618/98 of 18 March 1998 amending Regulation (EC) No 1898/97 laying down rules of application in the pigmeat sector for the arrangements covered by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94.....	35
Commission Regulation (EC) No 619/98 of 18 March 1998 fixing the import duties in the rice sector	36
Commission Regulation (EC) No 620/98 of 18 March 1998 amending representative prices and additional duties for the import of certain products in the sugar sector	39
Commission Regulation (EC) No 621/98 of 18 March 1998 fixing the agricultural conversion rate for the Greek drachma	41

II Acts whose publication is not obligatory

Council

98/217/EC:

* Council Recommendation of 9 March 1998 concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1996	42
--	----

98/218/EC:

* Council Recommendation of 9 March 1998 concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1996.....	43
---	----

Commission

98/219/EC:

* Commission Decision of 4 March 1998 amending Decision 97/467/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat ⁽¹⁾	44
---	----

⁽¹⁾ Text with EEA relevance

98/220/EC:

- ★ **Commission Decision of 4 March 1998 amending Decision 97/569/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of meat products ⁽¹⁾ 47**

98/221/EC:

- ★ **Commission Decision of 6 March 1998 concerning a request for exemption submitted by Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers 49**

98/222/EC:

- ★ **Commission Decision of 18 March 1998 amending Decision 92/486/EEC as regards the form of collaboration between the ANIMO host centre and the Member States ⁽¹⁾ 50**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 608/98
of 18 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 19 March 1998.

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

Done at Brussels, 18 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 18 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	58,0
	212	108,7
	624	189,5
	999	118,7
0709 10 00	220	166,5
	999	166,5
0709 90 70	052	104,1
	204	102,9
	999	103,5
0805 10 10, 0805 10 30, 0805 10 50	052	59,6
	204	33,8
	212	44,7
	600	55,3
	624	48,4
	999	48,4
0805 30 10	052	79,4
	600	75,7
	999	77,5
0808 10 20, 0808 10 50, 0808 10 90	052	42,3
	060	40,7
	388	109,4
	400	100,8
	404	102,6
	508	93,3
	512	101,9
	524	77,1
	528	103,3
	720	72,9
	999	84,4
	052	137,7
0808 20 50	388	68,3
	400	102,2
	512	83,2
	528	71,6
	999	92,6

⁽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 609/98

of 18 March 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,21	0,00	—
1703 90 00 ⁽¹⁾	8,65	—	0,00

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

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

COMMISSION REGULATION (EC) No 610/98**of 18 March 1998****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their

sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as last amended by Regulation (EC) No 150/95 ⁽⁷⁾, 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 ⁽⁸⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 18 March 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 March 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	39,25 ⁽¹⁾
1701 11 90 9910	37,16 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	39,25 ⁽¹⁾
1701 12 90 9910	37,16 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4267
	— ECU/100 kg —
1701 99 10 9100	42,67
1701 99 10 9910	42,39
1701 99 10 9950	42,39
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4267

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

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

COMMISSION REGULATION (EC) No 611/98**of 18 March 1998****fixing the maximum export refund for white sugar for the 31st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 31st partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 31st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 45,495 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 March 1998.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 612/98**of 17 March 1998****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to 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 ⁽³⁾, as last amended by Regulation (EC) No 75/98 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 17 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 7, 13. 1. 1998, p. 3.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	43,34 260,64 375,25	604,19 287,93 1 771,45	85,88 34,42 28,22	327,33 84 517,33	13 602,87 96,79	7 280,43 8 786,40
1.30	Onions (other than seed) 0703 10 19	a) b) c)	51,29 308,45 444,09	715,01 340,74 2 096,40	101,63 40,73 33,40	387,38 100 020,63	16 098,08 114,55	8 615,90 10 398,12
1.40	Garlic 0703 20 00	a) b) c)	149,60 899,66 1 295,30	2 085,51 993,86 6 114,66	296,42 118,81 97,41	1 129,88 291 734,96	46 954,05 334,11	25 130,41 30 328,71
1.50	Leeks ex 0703 90 00	a) b) c)	39,12 235,26 338,72	545,36 259,89 1 598,97	77,51 31,07 25,47	295,46 76 287,91	12 278,36 87,37	6 571,53 7 930,88
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 456,08 656,65	1 057,26 503,84 3 099,84	150,27 60,23 49,38	572,80 147 895,58	23 803,45 169,38	12 739,91 15 375,19
1.70	Brussels sprouts 0704 20 00	a) b) c)	91,88 552,54 795,53	1 280,86 610,40 3 755,45	182,06 72,97 59,83	693,94 179 175,19	28 837,82 205,20	15 434,37 18 627,02
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	43,94 264,24 380,45	612,55 291,91 1 795,98	87,06 34,90 28,61	331,87 85 687,39	13 791,18 98,13	7 381,22 8 908,04
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 637,16 917,36	1 477,01 703,87 4 330,54	209,93 84,14 68,99	800,21 206 613,10	33 253,89 236,63	17 797,90 21 479,46
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	81,47 489,94 705,40	1 135,74 541,24 3 329,96	161,43 64,70 53,05	615,32 158 874,65	25 570,50 181,95	13 685,66 16 516,58
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 918,12 1 321,88	2 128,31 1 014,25 6 240,14	302,51 121,25 99,41	1 153,07 297 721,77	47 917,62 340,97	25 646,12 30 951,09
1.120	Endives ex 0705 29 00	a) b) c)	21,82 131,22 188,93	304,18 144,96 891,86	43,24 17,33 14,21	164,80 42 551,18	6 848,51 48,73	3 665,41 4 423,61
1.130	Carrots ex 0706 10 00	a) b) c)	29,17 175,42 252,57	406,65 193,79 1 192,28	57,80 23,17 18,99	220,31 56 884,42	9 155,41 65,15	4 900,09 5 913,69
1.140	Radishes ex 0706 90 90	a) b) c)	192,20 1 155,84 1 664,14	2 679,38 1 276,87 7 855,87	380,83 152,64 125,15	1 451,63 374 809,22	60 324,66 429,26	32 286,52 38 965,09
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	337,59 2 030,18 2 922,99	4 706,21 2 242,76 13 798,45	668,92 268,11 219,82	2 549,72 658 334,26	105 957,35 753,97	56 709,72 68 440,30

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	165,43 994,85 1 432,36	2 306,19 1 099,02 6 761,69	327,79 131,38 107,72	1 249,44 322 605,04	51 922,52 369,47	27 789,59 33 537,95
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	131,89 793,15 1 141,96	1 838,63 876,20 5 390,79	261,33 104,74 85,88	996,13 257 198,69	41 395,52 294,56	22 155,41 26 738,32
1.180	Broad beans ex 0708 90 00	a) b) c)	179,63 1 080,25 1 555,31	2 504,15 1 193,36 7 342,09	355,93 142,66 116,96	1 356,69 350 296,46	56 379,39 401,18	30 174,97 36 416,75
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	367,39 2 209,39 3 181,01	5 121,64 2 440,73 15 016,48	727,96 291,77 239,22	2 774,79 716 447,24	115 310,49 820,52	61 715,64 74 481,71
1.200.2	— other ex 0709 20 00	a) b) c)	463,56 2 787,73 4 013,68	6 462,30 3 079,63 18 947,27	918,52 368,15 301,84	3 501,13 903 988,36	145 494,80 1 035,31	77 870,66 93 978,45
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	155,83 937,12 1 349,24	2 172,36 1 035,25 6 369,30	308,77 123,76 101,47	1 176,94 303 884,08	48 909,43 348,03	26 176,95 31 591,73
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	85,58 514,66 740,99	1 193,04 568,54 3 497,95	169,57 67,97 55,72	646,36 166 889,56	26 860,48 191,13	14 376,07 17 349,80
1.230	Chantarelles 0709 51 30	a) b) c)	1 799,53 10 821,92 15 581,03	25 086,53 11 955,05 73 552,91	3 565,68 1 429,15 1 171,74	13 591,31 3 509 263,45	564 807,68 4 019,03	302 292,25 364 822,32
1.240	Sweet peppers 0709 60 10	a) b) c)	168,64 1 014,16 1 460,15	2 350,94 1 120,35 6 892,89	334,15 133,93 109,81	1 273,69 328 864,86	52 930,02 376,64	28 328,82 34 188,72
1.250	Fennel 0709 90 50	a) b) c)	73,55 442,31 636,82	1 025,33 488,62 3 006,24	145,74 58,41 47,89	555,50 143 429,85	23 084,70 164,27	12 355,22 14 910,94
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	65,55 394,20 567,56	913,81 435,48 2 679,25	129,88 52,06 42,68	495,08 127 829,05	20 573,79 146,40	11 011,35 13 289,08
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	140,29 843,67 1 214,69	1 955,73 932,01 5 734,13	277,98 111,42 91,35	1 059,57 273 579,53	44 031,98 313,32	23 566,48 28 441,27
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	73,36 441,17 635,18	1 022,68 487,36 2 998,47	145,36 58,26 47,77	554,07 143 059,34	23 025,06 163,84	12 323,31 14 872,42

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	154,02 926,24 1 333,57	2 147,13 1 023,22 6 295,32	305,18 122,32 100,29	1 163,27 300 354,40	48 341,33 343,99	25 872,90 31 224,78
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	150,29 903,81 1 301,27	2 095,13 998,44 6 142,86	297,79 119,36 97,86	1 135,10 293 080,53	47 170,62 335,65	25 246,32 30 468,59
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	67,16 403,88 581,50	936,25 446,17 2 745,06	133,07 53,34 43,73	507,24 130 968,72	21 079,11 149,99	11 281,81 13 615,48
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	55,26 332,32 478,46	770,36 367,12 2 258,66	109,49 43,89 35,98	417,36 107 762,53	17 344,12 123,42	9 282,80 11 202,97
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	60,87 366,06 527,04	848,56 404,39 2 487,96	120,61 48,34 39,63	459,73 118 702,59	19 104,90 135,95	10 225,19 12 340,30
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	127,21 765,01 1 101,43	1 773,38 845,11 5 199,51	252,06 101,03 82,83	960,78 248 072,22	39 926,64 284,11	21 369,24 25 789,54
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	53,39 321,07 462,27	744,29 354,69 2 182,23	105,79 42,40 34,76	403,24 104 115,84	16 757,20 119,24	8 968,67 10 823,86
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	46,51 279,70 402,70	648,38 308,99 1 901,02	92,16 36,94 30,28	351,28 90 699,15	14 597,81 103,87	7 812,94 9 429,07
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 61 0806 10 30 0806 10 69	a) b) c)	134,71 810,11 1 166,37	1 877,94 894,94 5 506,06	266,92 106,98 87,71	1 017,42 262 697,97	42 280,62 300,86	22 629,12 27 310,03

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	40,51 243,62 350,75	564,73 269,13 1 655,78	80,27 32,17 26,38	305,96 78 998,55	12 714,63 90,47	6 805,03 8 212,67
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	65,19 392,04 564,44	908,79 433,09 2 664,54	129,17 51,77 42,45	492,36 127 127,02	20 460,79 145,59	10 950,88 13 216,10
2.120.2	— other ex 0807 19 00	a) b) c)	173,09 1 040,92 1 498,68	2 412,98 1 149,91 7 074,78	342,97 137,46 112,71	1 307,30 337 542,81	54 326,72 386,58	29 076,35 35 090,88
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	297,81 1 790,95 2 578,56	4 151,65 1 978,48 12 172,51	590,10 236,52 193,92	2 249,27 580 759,28	93 471,84 665,12	50 027,32 60 375,62
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	296,82 1 785,00 2 569,98	4 137,85 1 971,90 12 132,04	588,13 235,73 193,27	2 241,79 578 828,68	93 161,11 662,91	49 861,01 60 174,91
2.170	Peaches 0809 30 90	a) b) c)	128,57 773,19 1 113,21	1 792,34 854,15 5 255,09	254,76 102,11 83,72	971,05 250 724,36	40 353,49 287,15	21 597,70 26 065,25
2.180	Nectarines ex 0809 30 10	a) b) c)	128,58 773,25 1 113,30	1 792,48 854,21 5 255,50	254,77 102,12 83,72	971,13 250 743,86	40 356,63 287,17	21 599,38 26 067,28
2.190	Plums 0809 40 05	a) b) c)	121,93 733,26 1 055,72	1 699,78 810,03 4 983,69	241,60 96,83 79,39	920,90 237 775,69	38 269,44 272,32	20 482,29 24 719,11
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	258,17 1 552,57 2 235,34	3 599,04 1 715,13 10 552,29	511,55 205,03 168,10	1 949,88 503 457,32	81 030,27 576,59	43 368,43 52 339,32
2.205	Raspberries 0810 20 10	a) b) c)	1 254,10 7 541,84 10 858,49	17 482,91 8 331,53 51 259,33	2 484,94 995,98 816,59	9 471,84 2 445 620,41	393 616,84 2 800,88	210 668,73 254 246,20
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	966,98 5 815,18 8 372,49	13 480,28 6 424,06 39 523,76	1 916,02 767,96 629,64	7 303,31 1 885 707,70	303 500,21 2 159,63	162 437,17 196 037,79
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	81,53 490,30 705,92	1 136,58 541,64 3 332,41	161,55 64,75 53,09	615,77 158 991,65	25 589,33 182,09	13 695,74 16 528,74

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	156,12	2 176,41	309,34	1 179,13	49 000,45	26 225,66
		b)	938,87	1 037,17	123,99	304 449,61	348,68	31 650,52
		c)	1 351,75	6 381,16	101,66			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	118,37	1 650,15	234,54	894,01	37 152,08	19 884,27
		b)	711,85	786,38	94,01	230 833,34	264,37	23 997,39
		c)	1 024,89	4 838,18	77,08			
2.250	Lychees ex 0810 90 30	a)	203,68	2 839,42	403,58	1 538,33	63 927,82	34 214,98
		b)	1 224,88	1 353,13	161,76	397 196,37	454,89	41 292,45
		c)	1 763,54	8 325,09	132,62			

COMMISSION REGULATION (EC) No 613/98

of 18 March 1998

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 426/98 ⁽²⁾ and in particular Articles 6 and 8 thereof,

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

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

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

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

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas potassium nitrate, potassium dl-aspartate, potassium glucuronate and potassium glycerophosphate should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas, in order to allow for the completion of scientific studies, florfenicol and moxidectin should be inserted into Annex III to Regulation (EEC) No 2377/90;

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

Whereas it appears that maximum residue limits cannot be established for metronidazole because residues, at whatever limit, in foodstuffs of animal origin might constitute a hazard to the health of the consumer; whereas it should be inserted into Annex IV to Regulation (EEC) No 2377/90;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ L 53, 24. 2. 1998, p. 3.

⁽³⁾ OJ L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 18 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

A. Annex II is modified as follows:

1. Inorganic chemicals

Pharmacologically active substances(s)	Animal species	Other provisions
'Potassium nitrate	All food producing species	
Potassium DL-aspartate	All food producing species	
Potassium glucuronate	All food producing species	
Potassium glycerophosphate	All food producing species'	

B. Annex III is modified as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.11. Florfenicol and related compounds

Pharmacologically active substance	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Florfenicol	Sum of florfenicol and its metabolites measured as florfenicol-amine	Fish	1 000 µg/kg	Muscle and skin in natural proportions	Provisional MRLs expire on 1. 7. 2001'

2. Antiparasitic agents

2.1. Agents acting against endoparasites

2.1.1. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Albendazole sulphoxide	Sum of albendazole, albendazole sulphoxide, albendazole sulphone and albendazole 2-amino sulphone, expressed as albendazole	Bovine, ovine, pheasant	1 000 µg/kg	Liver	Provisional MRLs expire on 1. 1. 2000'
			500 µg/kg	Kidney	
			100 µg/kg	Muscle, fat	
		Bovine, ovine	100 µg/kg	Milk	

2.3. Agents acting against endo- and ectoparasites
2.3.1. Avermectins

Pharmacologically active substance	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Moxidectin	Moxidectin	Equidae	50 µg/kg	Muscle	Provisional MRLs expire on 1. 1. 2000
			500 µg/kg	Fat	
			100 µg/kg	Liver	
			50 µg/kg	kidney	

4. Anti-inflammatory agents
4.1. Nonsteroidal anti-inflammatory agents
4.1.1. Arylpropionic acid derivative

Pharmacologically active substance	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Carprofen	Carprofen	Bovine	1 000 µg/kg	Liver, kidney	Provisional MRLs expire on 1. 1. 2000
			500 µg/kg	Muscle, fat	
		Equidae	1 000 µg/kg	Liver, kidney	
			50 µg/kg	Muscle	
			100 µg/kg	Fat	

C. Annex IV is modified as follows:
List of pharmacologically active substances for which no maximum levels can be fixed
Metronidazole.

COMMISSION REGULATION (EC) No 614/98**of 18 March 1998****derogating from Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards public intervention**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Notwithstanding the first sentence of Article 10 of Regulation (EEC) No 2456/93, during the period 1 April to 30 June 1998, the deadline for the submission of tenders shall be 12 noon (Brussels time) on the following days:

Whereas Commission Regulation (EEC) No 2456/93 ⁽³⁾, as last amended by Regulation (EC) No 2602/97 ⁽⁴⁾, *inter alia* lays down detailed rules for the tendering procedure; whereas, given the dates of public holidays in May 1998, for practical reasons, the deadline for the submission of tenders should be amended;

- the second Tuesday in April,
- the first and fourth Tuesdays in May,
- the second and fourth Tuesdays in June.

Article 2

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

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

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.⁽⁴⁾ OJ L 351, 23. 12. 1997, p. 20.

COMMISSION REGULATION (EC) No 615/98**of 18 March 1998****laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) 2634/97 ⁽²⁾, and in particular Article 13(12) thereof,

Whereas Article 13(9) of Regulation (EEC) No 805/68 provides that the payment of export refunds for live animals is subject to compliance with the provisions established in Community legislation concerning animal welfare and in particular Council Directive 91/628/EEC ⁽³⁾, as last amended by Directive 95/29/EC ⁽⁴⁾, on the protection of animals during transport;

Whereas, in order to guarantee that the animal welfare standards are maintained, a monitoring system should be introduced comprising systematic checks on exit from the Community and checks determined on the basis of risk analysis carried out on unloading in the third country of final destination;

Whereas the assessment of the physical condition and state of health of animals requires specific expertise and experience; whereas checks have therefore to be carried out by a veterinarian;

Whereas, in order to facilitate proper checks on exit from the Community, exit points have to be designated;

Whereas, in cases where it is established on the basis of the physical condition and/or state of health of a certain number of the animals in a consignment that the provisions on the protection of animals during transport have not been complied with, further measures should be taken which will act as an adequate deterrent and which should be applied uniformly;

Whereas checks after exit from the Community are carried out on a limited number of consignments and, considering the particular characteristics of the measures taken, explicit provision should be made for the recovery of refunds unduly paid in the light of the animal welfare requirement;

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

HAS ADOPTED THIS REGULATION:

*Article 1***Scope**

For the application of the second subparagraph of Article 13(9) of Regulation (EEC) No 805/68, the payment of export refunds for live bovine animals falling within CN code 0102 (hereinafter referred to as 'the animals') shall be subject to compliance, during the transport of the animals to the first place of unloading in the third country of final destination, with:

- Directive 91/628/EEC, and
- this Regulation.

*Article 2***Checks within the Community**

1. Exit from the customs of the Community may take place only through the following exit points:

- a border inspection post agreed by a Commission decision for veterinary checks on live ungulates from third countries, or
- an exit point designated by the Member State.

2. An official veterinarian at the exit point shall verify and certify in accordance with the provisions of Council Directive 96/93/EC ⁽⁵⁾ that:

- the animal are fit for the intended journey in compliance with Directive 91/628/EEC,
- the means of transport by which the live animals are to leave the customs territory of the Community complies with Directive 91/628/EEC, and
- provisions have been made for the care of the animals during the journey in accordance with Directive 91/628/EEC.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 340, 11. 12. 1991, p. 17.

⁽⁴⁾ OJ L 148, 30. 6. 1995, p. 52.

⁽⁵⁾ OJ L 13, 16. 1. 1997, p. 28.

3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by the entry

- Controles de conformidad con el artículo 2 del Reglamento (CE) n° 615/98 satisfactorios
- Kontrollen efter artikel 2 i forordning (EF) nr. 615/98 er tilfredsstillende
- Kontrolle nach Artikel 2 der Verordnung (EG) Nr. 615/98 zufriedenstellend
- Έλεγχοι βάσει του άρθρου 2 του κανονισμού (ΕΚ) αριθ. 615/98 ικανοποιητικοί
- Checks pursuant to Article 2 of Regulation (EC) No 615/98 satisfactory
- Contrôles visés à l'article 2 du règlement (CE) n° 615/98 satisfaisants
- Controllato e risultato conforme alle disposizioni dell'articolo 2 del regolamento (CE) n. 615/98
- Bevindingen bij controle overeenkomstig artikel 2 van Verordening (EG) nr. 615/98 bevredigend
- Controlos satisfatórios nos termos do artigo 2º do Regulamento (CE) n° 615/98
- Asetuksen (EY) N:o 615/98 2 artiklan mukainen tarkastus tyydyttävä
- Kontrollen enligt artikel 2 i förordning (EG) nr 615/98 är tillfredsställande,

and by stamping and signing the document constituting evidence of exit from the customs territory of the Community, either in Section J of the control copy T 5 or in the most appropriate place on the national document. Where appropriate, the official veterinarian shall indicate:

- the number of animals which were no longer fit for the intended journey and therefore were removed from the consignment, and/or
- the endorsement referred to in Article 3(3).

4. Member States may require the exporter to give advance notice of the arrival of the consignment at the exit point to the official veterinarian at the exit point.

5. By way of derogation from paragraph 1, where the simplified Community transit procedure for carriage by rail referred to in Article 7(1) to (4) of Commission Regulation (EEC) No 3665/87⁽¹⁾ applies, the official veterinarian shall carry out checks at the office where the animals are placed under such procedure. The certification and endorsements referred to in paragraph 3 shall be made on the document used for the purpose of payment of the refund or on the control copy T 5 in the case described in Article 7(4) of the said Regulation.

Article 3

Checks in third countries

1. After arrival of the animals in the third country of final destination, their first unloading shall be subject to checks in accordance with paragraph 3.

The checks on unloading shall be carried out by:

- an international control and supervisory agency approved for this purpose by a Member State or by the Commission, or
- an official agency of a Member State.

The person who carries out the checks shall be a veterinarian.

The Member States which approved an international control and supervisory agency shall verify on a regular basis, or when there are serious grounds for suspicion, whether the conditions for approval are complied with.

2. The person responsible for the checks shall draw up a report indicating:

- the number of live animals unloaded from the means of transport,
- the number of animals, among those referred to in the previous indent, which on the basis of their physical condition and/or state of health justify the conclusion that the Community provisions on the protection of animals during transport have not been complied with,
- whether or not the live animals have been put in quarantine.

3. The checks provided for in paragraph 1 shall be carried out:

- for each export consignment where there has been a change of means of transport between the place where the checks referred to in Article 2 are carried out and the place of unloading in the third country of final destination, and
- in the case of exports in respect of which the official veterinarian, during the checks referred to in Article 2(2), considers that checks should be carried out in the third country of final destination; in such cases, the official veterinarian shall enter one of the following endorsements on the document referred to in Article 2(3):
 - Control requerido en el momento de la descarga de los animales en el tercer país
 - Der kræves kontrol ved aflæsning af dyrene i tredjelandet
 - Kontrolle bei der Entladung der Tiere im Drittland erforderlich
 - Απαιτείται έλεγχος της εκφόρτωσης των ζώων στην τρίτη χώρα
 - Checks requested when the animals are unloaded in the third country
 - Contrôle demandé lors du déchargement des animaux dans le pays tiers
 - Richiesta di controllo all'atto dello scarico degli animali nel paese terzo

⁽¹⁾ OJ L 351, 14. 12. 1987, p. 1.

- Controle bij het lossen van de dieren in het derde land gevraagd
- Solicitado o controlo aquando do descarregamento dos animais no país terceiro
- Tarkastus suoritettava kolmannessa maassa eläimiä purettaessa
- Kontroll krävs vid lossning av djuren i tredje land.

This endorsement may be accompanied by any relevant comments.

The official veterinarian shall inform the exporter or his representative who carries out the exit formalities at the exit point.

Article 4

Without prejudice to the checks referred to in Article 3(3), the Member State where the export declaration is accepted shall ensure that checks are carried out after exit from the Community in accordance with Article 3(1) and (2) on changing of the means of transport or unloading in the third country of final destination without prior warning to the exporter or his representative. The consignments to be checked shall be selected on the basis of risk analysis.

Member States shall apply this Article on their own initiative or at the request of the Commission.

Member States shall inform the Commission of any obstacles experienced concerning the checks in third countries.

Article 5

Final provisions

1. The exporter shall inform the competent authority of the Member State where the export declaration is accepted about all necessary details of the journey, at the latest when the export declaration is lodged.

At the same time, or at the latest when he becomes aware therefore, the exporter shall inform the competent authority about any possible change of the means of transport.

2. Applications for the payment of export refunds drawn up in accordance with Article 47 of Regulation (EEC) No 3665/87 must be supplemented within the time limit laid down in that Article by proof that Article 1 has been complied with.

This proof shall be furnished by:

- the document referred to in Article 2(3) properly completed, and
- where appropriate, the report referred to in Article 3(2).

Furthermore, without prejudice to Article 5 of Regulation (EEC) No 3665/87, in the event that the refund does not vary according to destination, the exporter shall declare in

writing the number of live animals which were released for free circulation in the third country of final destination. This declaration shall be considered an element of the refund requested within the meaning of Article 11(1) of Regulation (EEC) No 3665/87.

3. The export refund shall not be paid for animals which died during transport or for animals for which the competent authority considers, in the light of the documents referred to in paragraph 2, the reports on the checks referred to in Article 4 and/or all other elements at its disposal concerning compliance with Article 1, that the Directive on the protection of animals during transport, was not complied with.

The weight of an animal in respect of which the refund is not paid shall be determined on a flat-rate basis by dividing the total weight in kilograms given in the export declaration by the total number of animals given in that same declaration.

4. Where the number of animals for which no refund is paid pursuant to paragraph 3 amounts to:

- more than 3 % of the number indicated in the accepted export declaration, but at least two animals, or
- more than five animals,

the refund shall be further reduced by an amount equal to the amount of refund which is not paid pursuant to paragraph 3.

However, the animals which died during transport and for which the exporter proves to the satisfaction of the competent authority that their death was not the result of non-compliance with the provisions on the protection of the animals during transport shall not be taken into account.

5. The penalty referred to in Article 11(1) of Regulation (EEC) No 3665/87 shall not apply to the amount not paid and the amount of the reduction pursuant to paragraphs 3 and 4 above.

6. Where the checks referred to in Article 3(1) could not be carried out owing to circumstances beyond the control of the exporter, the competent authority, on a justified request from the exporter, may accept other documents which justify to its satisfaction the conclusion that the directive on the protection of animals during transport has been complied with.

7. Where it is established after payment of the refund that Community legislation on the protection of animals during transport has not been complied with, the relevant part of the refund, including where appropriate the reduction pursuant to paragraph 4, shall be considered to have been paid unduly and shall be recovered in accordance with the provisions of Article 11(3) to (6) of Regulation (EEC) No 3665/87.

Article 6

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

It shall apply to operations for which an export declaration is accepted on or after the first day of the sixth month following the publication of this Regulation.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 616/98**of 18 March 1998****providing for the grant of private storage aid fixed in advance for carcasses and half-carcasses of lamb in Ireland and the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

and accordingly of Article 3(4)(a) of Regulation (EEC) No 3446/90;

Having regard to the Treaty establishing the European Community,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goat Meat,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EC) No 1589/96 ⁽²⁾, and in particular Article 7(1) thereof,

HAS ADOPTED THIS REGULATION:

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat ⁽³⁾, as last amended by Regulation (EC) No 3533/93 ⁽⁴⁾, lays down in particular detailed rules where the amount of aid is fixed at a flat rate in advance;

Article 1

1. Subject to the provisions of Regulation (EEC) No 3447/90, applications may be submitted in Ireland and the United Kingdom between 19 and 25 March 1998 for aid for the private storage of carcasses and half carcasses of lamb within the limits of 3 000 tonnes. Applications submitted on or after the day following that on which the total quantity applied for exceeds 3 000 tonnes shall not be accepted. Quantities in respect of which applications are lodged on the day the overall limit is exceeded shall be reduced proportionally.

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat ⁽⁵⁾, as last amended by Regulation (EC) No 40/96 ⁽⁶⁾, lays down in particular the minimum quantities per contract;

2. The level of aid for the minimum storage period of three months shall be ECU 1 400 per tonne. The actual storage period shall be chosen by the storer. This period may extend from a minimum of three months to a maximum of five months. If the storage period is greater than three months the aid shall be increased on a daily basis by ECU 1,45 per tonne per day.

Whereas the application of Article 7(1) of Regulation (EEC) No 3013/89 may result in a decision to grant private storage aid; whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas, in view of the particularly difficult market situation in Ireland and the United Kingdom due to a surplus on the market of lambs over six months of age, it has been judged opportune to initiate such a procedure in these Member States for one type of product corresponding to carcasses derived from animals born before 1 October 1997; whereas it is therefore necessary, for that reason, to derogate from the provisions of Article 2(2) and accordingly of Article 3(3)(a) of Regulation (EEC) No 3446/90;

Article 2

By derogation from the provisions of Article 2(2), Article 3(3)(a) and 3(4)(a) and Article 4(1) of Regulation (EEC) No 3446/90:

Whereas it is necessary that the placing in storage be carried out as quickly as possible in order to relieve the market before the arrival of lambs born on 1 October 1997 or thereafter; whereas it is therefore necessary, for that reason, to derogate from the provisions of Article 4(1)

— private storage aid may be granted only for carcasses of young ovines born before 1 October 1997 and cuts thereof, produced in accordance with Article 3(1)(A)(a) to (e) of Council Directive 64/433/EEC ⁽⁷⁾, of sound and fair merchantable quality coming from animals raised in the Community for at least the previous two months and slaughtered not more than 10 days before the date on which the products are placed in storage as referred to in Article 4(3) of Regulation (EEC) No 3446/90,

⁽¹⁾ OJ L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ L 206, 30. 7. 1996, p. 25.

⁽³⁾ OJ L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ L 10, 13. 1. 1996, p. 6.

⁽⁷⁾ OJ L 121, 29. 7. 1964, p. 2012/64.

- the declaration and the obligations provided for in Article 3 of Regulation (EEC) No 3446/90 are referring to the abovementioned product,
- the placing in storage must be completed not later than 10 days after the date of conclusion of the contract.

Article 3

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, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 617/98

of 18 March 1998

imposing a provisional anti-dumping duty on imports of polysulphide polymers
originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Initiation

- (1) In June 1997, the Commission announced by a notice (hereinafter referred to as 'notice of initiation') published in the *Official Journal of the European Communities*⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of polysulphide polymers originating in the United States of America and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged in May 1997 by Akcros Chemicals GmbH & Co KG, Germany (hereinafter referred to as 'Akcros'), the sole Community producer of polysulphide polymers. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

2. Investigation

- (3) The Commission officially advised the exporting producer and importers known to be concerned, the representatives of the exporting country and the Community producer, of the initiation of the proceeding. The parties directly concerned were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (4) The exporting producer in the country concerned, as well as the Community producer, Community

users and importers made their views known in writing. The exporting producer requested a hearing, which was granted.

- (5) The Commission sent questionnaires to all parties known to be concerned and received replies from the Community producer, from the exporting producer in the USA and from its two related importers in the Community. The Commission also received replies from five users in the Community, three of which were considered sufficiently complete so that they could be used for the assessment of Community interest.
- (6) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping, injury and Community interest, and carried out verification visits at the premises of the following companies:

(a) Community producer

— Akcros Chemicals GmbH & Co. KG,
Greiz-Dölau, Germany.

(b) Producer/exporter in the exporting country

— Morton International Inc., Chicago, United States of America (hereinafter referred to as 'Morton').

(c) Related importers in the Community

— Morton International GmbH, Mannheim,
Germany,
— Morton International Limited, Hounslow,
United Kingdom.

- (7) The investigation of dumping covered the period 1 April 1996 to 31 March 1997 (hereinafter referred to as 'the investigation period'). The examination of injury and Community interest covered the period 1 January 1994 up to the end of the investigation period (hereinafter referred to as 'the period examined').

B. PRODUCT UNDER CONSIDERATION AND
LIKE PRODUCT

1. Product under consideration

- (8) The product under consideration is polysulphide polymers (hereinafter referred to as 'PSP'). It falls within CN code ex 4002 99 90.

PSP is a synthetic rubber also called 'thioplast' by the Community industry or 'thiokol' by the exporting producer. PSP is a saturated synthetic

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.⁽³⁾ OJ C 187, 19. 6. 1997, p. 4.

substance, obtained by the reaction of aliphatic dihalides with a sodium polysulphide. It is generally vulcanized (i.e. further treated to improve strength and elasticity) with the classical type of vulcanizing agents.

There are several types of PSP which are produced in the USA and in the Community. The mechanical properties of certain types are inferior to those of other grades of synthetic rubber but have the advantage of being resistant to solvents.

- (9) PSP is the basic polymer used in the manufacture of sealing compounds. In the Community, PSP is mainly used for the production of glass insulation sealant which accounts for around 75 % of the consumption. It is also used for construction applications (joint tape or expansion joint in walling, between precast concrete cladding panels, or as a sealing perimeter joint between window frames and surroundings) and other special applications, such as in the aerospace industry, in environmental protection for petrol stations or for floor coatings in chemical plants.

In the insulating glass segment, 85 % of sealing compounds used are made of PSP. In the USA, PSP consumption is far lower than in the Community, namely around 25 % of Community consumption, although PSP is used for the same applications as in the Community.

2. Like product

- (10) The investigation has also shown that PSP produced and sold on the domestic market in the USA and PSP exported to the Community from the country concerned had essentially the same basic physical and chemical characteristics and uses as PSP produced and sold by the Community industry on the Community market and that they therefore are in direct competition in the Community market. In this respect, it appeared, on the basis of the available information, that all industrial users located in the Community could process both PSP produced in the Community and PSP imported from the USA.
- (11) Some industrial users stated that certain types of PSP imported from the USA were of higher quality than those produced in the Community. In this respect, it should be noted that quality does not change the basic characteristics of the product

concerned and that as far as such differences are concerned, users could process both the imported product and the Community-produced product although some minor alterations in their production process might be necessary. Community produced and imported products are therefore interchangeable. In any event any such differences in physical characteristics cannot lead to the conclusion that the product produced and sold by the Community industry and the product concerned imported from the USA cannot be considered as one like product.

- (12) On the basis of the above, it was therefore concluded that the PSP produced and sold by the Community industry and the PSP produced and sold in the USA are alike, within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'), to the PSP imported into the Community and originating in the USA.

C. DUMPING

1. Normal value

- (13) In order to establish normal value, the Commission first analysed whether domestic sales in the exporting country concerned were representative in accordance with Article 2(2) of the Basic Regulation. In this respect it was established that the total domestic sales of the product concerned in the United States market represented more than 5 % of the volume exported to the Community.
- (14) It was then examined whether total domestic sales of each product type constituted 5 % or more of the sales volume of the same product type exported to the Community.

For those product types meeting the 5 % test, the Commission assessed whether sufficient sales had been made in the ordinary course of trade in accordance with Article 2(4) of the Basic Regulation. For all product types which were sold in representative quantities, the weighted average domestic selling price was found to be above the weighted average unit cost. Furthermore, the volume of sales below unit cost was less than 20 % of sales. Therefore, for these product types normal value was established on the basis of the weighted average prices actually paid for all domestic sales.

Where, per product type, the volume of domestic sales was lower than 5 % of the volume destined for export to the Community, domestic sales were considered insufficient in the meaning of Article 2(2) of the Basic Regulation and were therefore disregarded. In these cases, normal value was constructed in accordance with Article 2(3) and (6) of the Basic Regulation. For each such product type, normal value was calculated on the basis of all costs of manufacturing plus all selling, general and administrative expenses incurred by this company and a reasonable amount for profit. The amount for profit was established on the basis of the weighted average profit made on domestic sales in the ordinary course of trade of the product concerned.

2. Export price

- (15) The exporting producer made all export sales of the product concerned to the Community via two related importers. For that reason, in accordance with Article 2(9) of the Basic Regulation, the export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, with adjustments being made for all costs incurred between importation and resale and for a profit margin. In view of the fact that no unrelated importers cooperated in the present investigation, the Commission used a profit margin of 5 % for calculating the export price, which appears to reflect appropriately the functions carried out by these related importers.

3. Comparison

- (16) For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences which were claimed, and demonstrated to affect price comparability. In accordance with Article 2(10) of the Basic Regulation, these adjustments were made, in respect of packing, transport, insurance, handling and ancillary costs, credit costs and after-sales costs.
- (17) The exporting producer claimed an allowance for the credit cost of sales on the domestic market and requested that the actual payment date be used. This claim was rejected on the grounds that, in accordance with Article 2(10)(g) of the Basic Regulation, an adjustment can only be given for the number of days agreed at the time of the sale, as only the expense of that number of days can be considered to have influenced the decision on the price level agreed.
- (18) The company also claimed an allowance for a sustained movement in exchange rates during the

investigation period with regard to one European currency, the D mark, and requested that an adjustment be made for the entire investigation period. This claim could not be accepted for the purpose of the provisional determination since, in accordance with Article 2(10)(j) of the Basic Regulation, this allowance can only be granted to reflect a sustained movement and should thus be made only for the specific period in which such a sustained movement takes place. In the present case it was found that the movement in exchange rates for which an allowance was claimed was not fully sustained throughout the investigation period. In addition, the adjustment was requested for the movement of the D mark versus the US dollar, whereas a movement in the opposite direction occurred regarding the British pound versus the US dollar which partly offset the effect on the dumping margin caused by the revaluation of the US dollar versus the D mark. This issue will be reexamined when definitive findings are established.

4. Dumping margin

- (19) Pursuant to Article 2(11) of the Basic Regulation, the dumping margin was established on the basis of a comparison between the weighted average normal value and the weighted average export price both at an ex-factory level and at the same level of trade. Although the analysis has concluded that the imports concerned target certain Member States, it was not necessary to apply the provisions of the second sentence of Article 2(11) of the Basic Regulation as almost all transactions were made at dumped prices.

- (20) The dumping margin expressed as a percentage of the cif price at Community frontier level was as follows:

— Morton International Inc., Chicago: 49,6 %.

As this company is deemed to represent 100 % of United States production of the product concerned, the residual dumping margin provisionally established is also 49,6 %.

D. COMMUNITY INDUSTRY

- (21) Akcros is the only Community producer of PSP and therefore constitutes the Community industry, within the meaning of Articles 4(1) and 5(4) of the Basic Regulation.

E. INJURY

1. Collection and confidentiality of injury data

- (22) For the purpose of the examination of injury in the present proceeding, data relating to the period examined (1 January 1994 to the investigation period ending 31 March 1997) was considered. The geographical scope of the investigation was the Community of 15 Member States.
- (23) Since there is only one Community producer and one producing exporter in the USA, in accordance with Article 19 of the Basic Regulation the data relating to injury has been indexed in order to preserve the confidentiality of the data submitted.

2. Consumption in the Community

- (24) Total consumption in the Community was established on the basis of Morton's and Akcros' sales, in quantity and value, to independent customers in the Community market. From 1994 up to the investigation period the volume (expressed in tonnes) of consumption in the Community increased by 5 %. During the same period, consumption in value terms decreased by 1 %. The year-to-year analysis of the evolution of consumption indicates a negative trend in sales prices in the market which started in 1995, continued throughout 1996 and became even more negative during the investigation period.

3. Sales of dumped imports in the Community

1. Volume and value of sales made by Morton

- (25) Morton exported its PSP to the Community via two related sales companies, one located in the United Kingdom and, since 1995, one located in Germany. From 1994 to the end of the investigation period, Morton's sales to unrelated customers in the Community market increased both in terms of volume (+ 5 %) and value (+ 1 %). The fact that the volume sold in the Community market increased more than the value and that there was no significant change in the mix of the product types sold, indicates that Morton decreased its average sales prices during the period examined.
- (26) The investigation has shown that prices charged by Morton in the Community market started to decrease in 1995 when the sales volume increased

by 5 % but sales value only increased by 2 %. Then, from 1996 to the investigation period, the sales volume decreased by 2 %, whereas the sales value decreased by 5 %, again pointing to a continued price decrease.

2. Share of the Community market

- (27) Market share in volume held by Morton was very high and stable during the whole period under analysis (over 75 % of the market). Morton kept its market share in terms of volume and after the sales prices decreased by 2 % in 1995, Morton managed to increase significantly its market share in terms of volume by 7 % in 1996.

3. Average sales price of dumped imports

- (28) From 1994 to the investigation period, sales prices of PSP imported from the USA into the Community market decreased by 4 %. In Germany, which is the main market for PSP, it has been found that during the same period of time Morton's average prices decreased by around 5 %. In other Member States such as the United Kingdom, where Akcros does not at present trade, prices were higher and did not fluctuate during the same period of time.
- (29) The fact that Morton sold around 80 % of its PSP in Germany and that during the investigation period Morton's average sales price in the United Kingdom was around 17 % higher than its average sales price in Germany, indicates that Morton targets the Member States where Akcros mainly does business.

4. Price undercutting

- (30) As it was found that most of Akcros' sales, and all sales made by Morton, were made directly to industrial users in the Community, average sales prices of PSP charged by Morton were compared on a type-by-type basis to the relevant prices charged by Akcros to users in order to evaluate possible price undercutting.
- (31) Since no difference in sales conditions or levels of trade which would have had an impact on price comparison was found to exist, it was not necessary to adjust the average prices.
- (32) For the investigation period the comparison made on a type-by-type basis showed price undercutting margins expressed as a percentage of the relevant Community industry's sales price which ranged from 1 to 23 % depending on the type of PSP, or 1,8 % on total turnover.

4. Situation of the Community industry

1. *Volume and value of sales in the Community market*

- (33) The investigation has shown that Akcros' sales volume decreased by 13 % and its sales value by 20 % in 1996 when compared with 1994. The decrease is even higher when compared with 1995.

- (34) Since prices were decreasing in the Community market, customers took advantage of the situation prevailing in the Community market and requested additional price reductions from the Community industry. Even though Akcros refused to do this over a long period in 1996 they finally had to make price concessions. This explains why the volume of sales recovered (+ 22 %) and average sales prices decreased by 4 % during the investigation period as compared with 1996.

2. *Market share*

- (35) During the period examined the trend in market share shows that the Community industry kept its market share in terms of volume but lost 6 % in terms of value.

3. *Average sales price and price evolution*

- (36) The average sales price of PSP sold by the Community industry between 1994 and the investigation period decreased by 11 %. Price evolution per Member State indicated that the trend in prices in Germany was more negative than in other Community Member States and price evolution on a type-by-type basis had shown better trends in sales prices for the types of PSP not sold by Morton.

4. *Profitability*

- (37) The average return on sales for the product concerned has remained negative since 1994. Although the Community producer has made considerable efforts to control and reduce costs, profitability has always been negative during the period examined.

5. *Production, capacity installed, capacity utilisation and stocks*

- (38) Production of the Community industry over the period examined increased by 5 % and production capacity by 28 %.

In view of the positive forecasts in the PSP market until the year 2000, the Community industry

increased its capacity of production. As a result of increased capacity and of a volume of production lower than expected, the capacity utilisation rate decreased by 18 % during the entire period examined.

As far as capacity utilization is concerned, the investigation has shown that a rate of around 80 % would be necessary to produce positive effects in costs and profitability.

- (39) Between 1994 and the investigation period stocks increased by 56 %.

6. *Investments*

- (40) Investments in the product concerned increased by 7 % during the period under examination. The Community industry has also invested in machinery with the aim of increasing its production capacity and improving its presence in the market.

7. *Employment*

- (41) The number of personnel employed by the Community decreased by 7 % during the period examined.

5. Conclusion on injury

- (42) The injury investigation has shown that during the period examined, despite the increase in consumption and the generally positive market expectations for the PSP market, the decrease in average sales prices of PSP led to a deterioration of the financial situation of the Community industry which was only attenuated through substantial cost reduction effected at the end of the period examined.

- (43) The seriousness of this deterioration first appeared between 1995 and 1996 when Akcros' sales volume decreased by 18 %, production by 19 % and sales prices by 8 %.

- (44) Although the Community industry's production and sales volume developed positively during the investigation period, the continuous pressure on sales prices which decreased yet again by 4 %, prevented any improvement in profitability and financial losses added to those already made in the past.

- (45) In view of the developments of the injury indicators during the period under examination, in particular the negative evolution of sales prices and significant losses incurred by the Community industry, it is considered that this industry has suffered material injury within the meaning of Article 3 of the Basic Regulation.

F. CAUSATION

1. Introduction

- (46) The Commission examined whether the injury suffered by the Community industry was caused by the volume and price level of dumped imports in question. The Commission also examined whether other known factors, such as the development of consumption in the Community market, the export activity and price policy of the Community industry and competition from substitute products, were not such as to break the causal link between the dumping practiced in the imports of PSP from the USA and the injury suffered by the Community industry.

2. Effect of dumped imports on the Community industry

- (47) When assessing the effect of dumped imports on the Community industry, it should be recalled that Morton, whose production capacity is sufficiently large to meet the demand of PSP throughout the world, is by far the main supplier and therefore the market leader in the Community, the largest market world-wide. Its behaviour, as such, affects the whole market.
- (48) This leadership therefore influences the level of prices in the Community. The injury investigation has shown that despite an increase in consumption of 5 % between 1994 and the end of the investigation period, prices in the Community market were decreasing. Akcros, the minor player in the market, had to follow this price decrease tendency which had a considerable negative impact on its financial situation during the period examined.
- (49) The detailed analysis of prices for imports has shown for particular markets and particular product types that the imports concerned target the Community industry's sales in sensitive sectors. It was found that from 1994 to the investigation period, Morton's price decrease strategy aimed at targeting the German market where Morton's prices were found to be lower than in other Member States, and the type of PSP mostly sold by Akcros with the result that prices for these types were reduced by 15 % in the German market during the same period of time.
- (50) The injury investigation has also shown that the market share held by Morton during the whole period under examination was particularly high, over 75 %. The presence of such large quantities of dumped imports on the Community market must

have in itself had a significant impact on the overall market and, consequently, on the situation of the Community industry, the smaller producer.

3. Impact of other factors

1. Development of consumption

- (51) When considering whether the development of consumption affected the situation of the Community industry, it should be recalled that during the period under examination, consumption increased by 5 % and that the market expectations for PSP, in particular in the Community market, are good up to the year 2000 and probably also beyond that date. Therefore the material injury suffered by the Community industry cannot be attributed to the development of Community consumption.

2. Export activity of the Community industry

- (52) Exports have always represented a minor activity for Akcros as they accounted for around 13 % of total sales during the period examined. It follows that the slight decrease in the volume of export sales (– 3,5 % of total sales) during the period under examination, cannot explain the material injury suffered by Akcros, particularly in view of the fact that the average sales price charged by Akcros for exports was around 19 % higher than the average Community price.

3. Competition from substitute products

- (53) Considering the main sales segment for PSP, namely the insulating glass segment, it was found that there are also other products, such as polyurethane or silicone, used as glass sealant in the Community. However these being rather expensive and less resistant to solvent than PSP in the longer term, their market share is estimated to be limited, at around 15 % of the Community market. The Commission, however, examined whether competition from these substitutes may have caused injury to the Community industry during the period examined.
- (54) On the basis of the information available, it appeared that these substitute products did not gain market share during the period examined. On the contrary, the increase in consumption of PSP indicates that industrial users continued to mainly rely on PSP rather than on other substitutes to produce glass-insulating sealant. It can be concluded therefore that competition from substitute products had, if any, only a very limited impact on the Community industry.

4. *Self-inflicted injury*

- (55) The Commission examined whether, on the basis of the volume of sales made by Akcros during the investigation period, the increase in the capacity of production had caused injury to the Community industry.

Recalling that the market forecasts were good for PSP in the European market, it was found that the amount of investment required for increasing the capacity of production was rather limited. Indeed, the cost of this investment included in the financial statements of Akcros during the investigation period was found to be below 1 % of the total turnover of the product concerned.

- (56) According to Morton, the general price depression in the Community market, which has been the major cause of the injury suffered by the Community industry from 1994 up to the investigation period, has been the result of a policy initiated by the Community industry since entering the market in 1991.
- (57) In this respect it should be recalled that the price-undercutting analysis revealed that for the Community industry's main sales market and for its important types of PSP Morton had undercut the Community industry's prices. Moreover, taking due consideration of the fact that Morton is the market leader, with a market share of over 75 %, the Commission concluded that it is not in the interest of Akcros to pursue such a policy in the long term. This is also demonstrated by the Community industry's efforts to maintain prices at a reasonable level as described in recital 34. In addition, depressed sales prices would never allow Akcros to recover the considerable investments made in the PSP business since 1991.
- (58) Contrary to Akcros, Morton, being the major supplier and able to supply the entire market demand, may have a certain interest in following a policy of price decrease as this may strengthen and reinforce in the long run its position as market leader.
- (59) On the basis of the above facts and considerations, the Commission did not find any objective interest in Akcros implementing a policy of price reduction.

4. Conclusion on causation

- (60) The investigation has shown that PSP is a homogeneous product, mainly offered directly to end-users in the Community market. Therefore the presence of the high volume of dumped PSP imported from the USA which undercut the

Community industry's prices had a significant impact on that market. Furthermore, the market being transparent, the effect of price decreases well known to all users in the Community market, had a major impact on the level of prices in the market as a whole.

- (61) On the basis of the above and in the absence of other factors it is provisionally concluded that the dumped imports under examination caused the material injury suffered by the Community industry.

G. COMMUNITY INTEREST

1. Preliminary remarks

- (62) The purpose of anti-dumping measures is to remedy an unfair trading practice which has an injurious effect on a Community industry. Such a remedy should result in the re-establishment of a situation of effective competition on the Community market.
- (63) The Commission provisionally examined, on the basis of all the evidence submitted, whether, despite the conclusions on dumping, injury and the cause of this injury, any compelling reasons existed which would have led to the conclusion that it is not in the Community interest to impose measures in this particular case. For this purpose, and pursuant to Article 21(1) of the Basic Regulation, the Commission considered the impact of possible measures on all parties involved in the proceeding and also the consequences of taking or not taking measures.

2. Interest of the Community industry

1. Viability of the Community industry

- (64) The investigation has shown that Akcros Chemicals' global profitability, before extraordinary results, for the whole production facility where, among other products, PSP is produced, was positive at the end of the investigation period. The negative situation in the Community industry's PSP business was only caused by the presence of a high volume of dumped imports from the USA in the Community market. The global performance therefore indicates that this industry is in general term competitive and viable.
- (65) The Community PSP market is the largest market in the world and forecasts for the near future indicate that it will increase even further. The investigation has shown that Akcros has become an important operator of PSP in the Community market. The ongoing rationalisation efforts and

investments which Akcros has made during the period examined, show that it is not ready to abandon the PSP market. With anti-dumping measures in force, Akcros could make a recovery and benefit from the positive volume effect foreseen in the PSP business in the Community up to the year 2000.

- (66) The interest of the Community industry, the minor player in the Community PSP market, is therefore that fair competitive conditions be restored and that prices reflecting fair trading conditions be quoted in the Community market.

2. *Employment*

- (67) As the PSP business represents a significant share of Akcros' activities, leaving this business segment without any protection against unfair trade practices, may also affect the activities of the whole company which are mainly concentrated in a region already suffering from a high rate of unemployment.
- (68) It follows therefore that the examination of the consequences of not taking measures on employment should not be limited to the number of people directly employed in the production and sale of PSP but should also take into consideration the possible impact on all the personnel employed by Akcros, and the uncertainty it would create in the sector dependent on PSP which employs around 1 000 additional people in the Community.

3. *Interest of Community users*

- (69) In order to evaluate the impact on users of taking measures or not taking measures, the Commission conducted a separate investigation on the basis of the responses to the questionnaires sent to the main industrial users in the Community. As mentioned above it has been provisionally established that three users covering over 65 % of the total consumption of PSP in the Community replied to the questionnaire in a meaningful manner. The following findings are based on their replies.
- (70) It was found that PSP supplied by the two suppliers in the market represents on average 25 % of the full cost of production of finished PSP-based sealing compounds.

- (71) Taking due consideration of the above findings and the market share held by Morton in the Community, it was established that a possible duty of 9 % on PSP would have an estimated impact of around 1,7 % on users' costs of production of PSP-based finished products.

The above impact on users' costs should be seen in the light of the positive effects anti-dumping measures could produce on the sales volume and sales price of Akcros as indicated in recital 38.

- (72) Not taking measures may lead to the disappearance of the sole Community producer and to a monopoly situation in the Community market. On the basis of the experience gained since the end of the monopoly in 1991, this would probably, among other consequences, lead to a significant increase in prices.
- (73) The investigation has shown that users benefited from the presence of a second operator in the market since 1991. Firstly because competition had a positive effect on the level of prices and secondly because the existence of two suppliers in the market also ensures the security of supply; users tend to be supplied by both companies rather than relying on only one supplier. Accordingly it is concluded that it was in the users interests that both Akcros and Morton are present in the market.

4. *Consequences for competition in the Community market*

- (74) Special attention has been paid to the competition aspects covered by the present case because of the existence of a duopoly on the Community market.
- (75) On the basis of the available information, the opinion of the Commission is that without the imposition of anti-dumping measures the Community producer risks being driven out of the market in the short term and consequently there will be no competition at all in the market. Industrial users would thus be deprived of the benefit of the competition they have enjoyed in the Community market since 1991. Among other consequences, prices will probably increase significantly if left in the hands of a single operator.
- (76) The potential for price increases should also be seen in the light of competition from substitute products, such as polyurethane and silicone which are already available on the Community market, although it should be borne in mind that these

only cover a very limited share of the market, as indicated in recital 53, and therefore users will not necessarily be able to switch easily to these substitutes.

(77) In addition the investigation has also shown that prices charged for PSP in Member States where only one supplier is present are significantly higher than in Member States where both suppliers are present. It can therefore be expected that the price increases resulting from the absence of competition would be higher than those if anti-dumping measures were imposed.

(78) As a matter of fact, with the measures proposed below, price increases, if any, will be very limited as indicated in recital 71. In addition, from an economic point of view the level of these measures is not such as to foreclose the Community market to the American producing exporter and will therefore ensure the continued presence of their products in the market.

(79) As already mentioned, imports from the USA are necessary in order to cover the expanding demand of Community users as well as to ensure competition in the market. The proposed measures are not inconsistent with this aspect while at the same time restoring fair competition conditions in the market. Thus, the benefits of a market governed by two competitive forces would be available to the users of the product concerned and ensure fair price negotiations.

(80) On the basis of the above facts and considerations, it can be concluded that not taking measures would cause uncertainty for users and could lead to considerable price increases in the medium term, and that it is in the users' interest that the market be governed by two competitive and competing forces.

5. Conclusion on Community interest

In examining the various interests involved, the Commission concluded that there were no compelling reasons not to adopt anti-dumping measures.

H. PROPOSED MEASURES

(81) For the purposes of establishing the level of the provisional duty, account was taken of the level of dumping found and the amount of duty necessary to eliminate the injury suffered by the Community industry.

1. Injury elimination level

(82) It was considered that the amount of duty necessary to remove the effects of injurious dumping should allow the Community industry to cover its costs of production and obtain a reasonable profit on sales. In this respect it was found that a profit margin before tax of 9 % on turnover could be considered to be an appropriate basis, due regard being given to the need for long-term investment and, more particularly, a rate of return which the Community industry could reasonably expect in the absence of injurious dumping.

(83) Accordingly, injury elimination levels were determined on a type-by-type basis and compared to the selling price of PSP originating in the USA at industrial user level. The injury margin, expressed as a percentage of the cif value of the imports in question, was 9,1 % on average.

2. Form and level of the provisional measures

(84) Since the injury margin was found to be lower than the dumping margin, the provisional duty to be imposed should correspond to the injury margin established, in conformity with Article 7(2) of the Basic Regulation.

Based on the provisional determination of dumping and the injury resulting therefrom, a provisional *ad valorem* duty of 9,1 % should be imposed on imports of polysulphide polymers originating in the USA.

I. RIGHTS OF INTERESTED PARTIES

(85) In the interests of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings made for the purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of polysulphide polymers falling within CN code ex 4002 99 90 (TARIC code 4002 99 90 * 10) originating in the United States of America.

2. For the product concerned referred to in paragraph 1 the rate of anti-dumping duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows:

— United States of America: 9,1 %.

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, the parties concerned may make known their

views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Pursuant to Article 21(4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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, 18 March 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 618/98**of 18 March 1998****amending Regulation (EC) No 1898/97 laying down rules of application in the pigmeat sector for the arrangements covered by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94**

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

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations ⁽¹⁾, as last amended by Regulation (EC) No 1595/97 ⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽³⁾, as last amended by Regulation (EC) No 3290/94 ⁽⁴⁾, and in particular Article 22 thereof,

Whereas Commission Regulation (EC) No 1898/97 ⁽⁵⁾ lays down detailed rules for application in the pigmeat sector of the arrangements provided for in Regulation (EC) No 3066/95;

Whereas Article 4(3) of Regulation (EC) No 1898/97 foresees that Member States notify to the Commission within five working days the applications lodged for import licences; whereas in all other import regimes applied in the pigmeat sector this information is provided within three working days; whereas it is appropriate to harmonise the two time periods in order to facilitate well functioning management of the different import regimes;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4(3) of Regulation (EC) No 1898/97, 'fifth' is replaced by 'third'.

Article 2

This Regulation shall enter into force on 1 April 1998.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ L 216, 8. 8. 1997, p. 1.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 267, 30. 9. 1997, p. 58.

COMMISSION REGULATION (EC) No 619/98
of 18 March 1998
fixing the import duties in the rice sector

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾,

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

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of amended Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 19 March 1998.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

to the Commission Regulation of 18 March 1998 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	130,91		202,88
1006 10 23	(7)	130,91		202,88
1006 10 25	(7)	130,91		202,88
1006 10 27	(7)	130,91		202,88
1006 10 92	(7)	130,91		202,88
1006 10 94	(7)	130,91		202,88
1006 10 96	(7)	130,91		202,88
1006 10 98	(7)	130,91		202,88
1006 20 11	(7)	164,91		253,88
1006 20 13	(7)	164,91		253,88
1006 20 15	(7)	164,91		253,88
1006 20 17	242,26	116,79	0	181,70
1006 20 92	(7)	164,91		253,88
1006 20 94	(7)	164,91		253,88
1006 20 96	(7)	164,91		253,88
1006 20 98	242,26	116,79	0	181,70
1006 30 21	(7)	251,59		399,75
1006 30 23	(7)	251,59		399,75
1006 30 25	(7)	251,59		399,75
1006 30 27	(7)	251,59		399,75
1006 30 42	(7)	251,59		399,75
1006 30 44	(7)	251,59		399,75
1006 30 46	(7)	251,59		399,75
1006 30 48	(7)	251,59		399,75
1006 30 61	(7)	251,59		399,75
1006 30 63	(7)	251,59		399,75
1006 30 65	(7)	251,59		399,75
1006 30 67	(7)	251,59		399,75
1006 30 92	(7)	251,59		399,75
1006 30 94	(7)	251,59		399,75
1006 30 96	(7)	251,59		399,75
1006 30 98	(7)	251,59		399,75
1006 40 00	(7)	78,38		123,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	242,26	533,00	338,50	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	357,95	329,01	280,57	324,26	—
(b) fob price (ECU/tonne)	—	—	—	252,97	296,66	—
(c) Sea freight (ECU/tonne)	—	—	—	27,60	27,60	—
(d) Source	—	Operators	Operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 620/98**of 18 March 1998****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 549/98 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1998.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 72, 11. 3. 1998, p. 39.

ANNEX

to the Commission Regulation of 18 March 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	21,71	5,45
1701 11 90 ⁽¹⁾	21,71	10,75
1701 12 10 ⁽¹⁾	21,71	5,26
1701 12 90 ⁽¹⁾	21,71	10,25
1701 91 00 ⁽²⁾	23,95	13,64
1701 99 10 ⁽²⁾	23,95	8,74
1701 99 90 ⁽²⁾	23,95	8,74
1702 90 99 ⁽³⁾	0,24	0,40

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 621/98
of 18 March 1998
fixing the agricultural conversion rate for the Greek drachma

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

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3(2) thereof,

Whereas the agricultural conversion rates were fixed in Commission Regulation (EC) No 600/98 ⁽³⁾;

Whereas the central rates for the Greek drachma and the Irish pound were adjusted on 14 March 1998; whereas the rates for 16 to 18 March 1998 show there is a significant monetary gap affecting the Greek drachma; whereas, with a view to preventing risks of market distortion, an agricultural conversion rate which is closer to the economic facts should accordingly be fixed for the Greek drachma;

Whereas Article 15(2) of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁵⁾, provides that agricultural conversion rates fixed in advance are to be adjusted if the gap between those rates and the agricultural conversion rates in force at the time

of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rates fixed in advance are to be brought more closely into line with the rates in force up to the level of a gap of four points with those rates; whereas the rates which are to replace the agricultural conversion rates fixed in advance should be specified;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to Article 4 and in particular the second subparagraph of paragraph 1 of Regulation (EEC) No 3813/92, the agricultural conversion rate for the Greek drachma is hereby fixed at 343,057.

The agricultural conversion rate for the Greek drachma fixed in advance during the period 16 to 18 March 1998 is hereby replaced by 343,057.

Article 2

This Regulation shall enter into force on 19 March 1998.

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

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 79, 17. 3. 1998, p. 19.

⁽⁴⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ L 188, 27. 7. 1996, p. 22.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 9 March 1998

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1996

(98/217/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community ⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid ⁽²⁾, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC ⁽³⁾, and in particular Article 29(3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund ⁽⁴⁾, and in particular Articles 66 to 73 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1984) (Sixth EDF) as at 31 December 1996 and the Court of Auditors' report re-

lating to the financial year 1996 together with the Commission's replies ⁽⁵⁾,

Whereas, pursuant to Article 29(3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1996 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1996.

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

⁽¹⁾ OJ L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ L 86, 31. 3. 1986, p. 210.

⁽³⁾ OJ L 178, 2. 7. 1986, p. 13.

⁽⁴⁾ OJ L 325, 20. 11. 1986, p. 42.

⁽⁵⁾ OJ C 348, 18. 11. 1997, Volume I.

COUNCIL RECOMMENDATION

of 9 March 1998

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1996

(98/218/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid ⁽²⁾, signed in Brussels on 16 July 1990, and in particular Article 33(3) thereof,

Having regard to the Financial Regulation of 29 July 1991 applicable to the Seventh European Development Fund ⁽³⁾, and in particular Articles 69 to 77 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1989) (Seventh EDF) as at 31 December 1996 and the Court of Auditors' report relating to the financial year 1996 together with the Commission's replies ⁽⁴⁾,

Whereas, pursuant to Article 33(3) of the Internal Agreement, the discharge for the management of the European Development Fund (1989) (Seventh EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1989) (Seventh EDF) during the financial year 1996 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1996.

Done at Brussels, 9 March 1998.

For the Council

The President

G. BROWN

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ L 229, 17. 8. 1991, p. 288.

⁽³⁾ OJ L 266, 21. 9. 1991, p. 1.

⁽⁴⁾ OJ C 348, 18. 11. 1997, Volume I.

COMMISSION

COMMISSION DECISION

of 4 March 1998

amending Decision 97/467/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat

(Text with EEA relevance)

(98/219/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Council Decision 97/34/EC ⁽²⁾, and in particular Article 2(4) thereof,

Whereas provisional lists of establishments producing rabbit meat and farmed game meat have been drawn up by Commission Decision 97/467/EC ⁽³⁾ as last amended by Commission Decision 98/103/EC ⁽⁴⁾;

Whereas New Zealand and Croatia have sent a list of establishments producing rabbit meat and farmed game meat and for which the responsible authorities certify that the establishments are in accordance with Community rules;

Whereas a provisional list of establishments producing rabbit meat and farmed game meat can thus be drawn up for New Zealand and Croatia;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is added to the Annex of Decision 97/467/EC.

Article 2

This Decision shall apply from 20 February 1998.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 199, 26. 7. 1997, p. 57.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 96.

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

**País: NUEVA ZELANDA / Land: NEW ZEALAND / Land: NEUSEELAND / Χώρα: ΝΕΑ
ΖΗΛΑΝΔΙΑ / Country: NEW ZEALAND / Pays: NOUVELLE-ZÉLANDE / Paese: NUOVA
ZELANDA / Land: NIEUW-ZEELAND / País: NOVA ZELÂNDIA / Maa: UUSI-SEELANTI /
Land: NYA ZEELAND**

1	2	3	4	5	6
DSP 2	Summit Venison Ltd	Kaimai	Tauranga	SH	b
DSP 3	PPCS Mossburn	Mossburn	Mossburn	SH	b
DSP 5	Game Meats NZ Ltd	South Kaipara Head	Helensville	SH	b
DSP 7	Mair Venison	Hokitika	Hokitika	SH	b
DSP 12	Progressive Venison	Hastings	Hastings	SH	b
DSP 16	Mair Venison	Kennington	Invercargill	SH	b
DSP 17	Mair Venison - Rotorua	Rotorua	Rotorua	SH	b
DSP 18	Venison Packers Feilding Limited	Feilding	Feilding	SH	b
DSP 19	Mountain River Processors	Rakaia	Rakaia	SH	b
DSP 20	Venex Limited	Wairoa	Wairoa	SH	b
DSP 23	PPCS Islington	Islington	Christchurch	SH	b
DSP 25	Otago Venison Ltd	Invermay	Mosgiel	SH	b
DSP 26	PPCS Burnside Limited	Burnside	Dunedin	SH	b
DSP 27	Pacifica Venison Ltd	Kotinga	Takaka	SH	b
DSP 28	Pacifica Venison Limited	Oxford	North Canterbury	SH	b
ME 50	Alliance Group Ltd Lorneville	Lorneville	Southland	CP-CS	b
ME 56	AFFCO New Zealand Limited	Te Puke	Te Puke	CP-CS	b
ME 117	Clover Export Limited	Gore	Gore	CP-CS	b
PH 3	Waitaki Biosciences International Ltd	Christchurch	Christchurch	CP-CS	b
PH 14	Richmond Limited	Hastings	Hastings	CP-CS	b
PH 15	AFFCO New Zealand Limited	Mount Maunganui South	Mount Maunganui South	CP-CS	b

1	2	3	4	5	6
PH 21	Mair Venison Ltd	Kennington	Invercargill	CP-CS	b
PH 23	Mair Venison Ltd	Rotorua	Rotorua	CP-CS	b
PH 26	McFarlane Laboratories NZ Ltd	Avondale	Auckland	CP-CS	b
PH 27	Defiance Processors Limited	Dunedin	Dunedin	CP-CS	b
PH 30	Progressive Venison	Hastings	Hastings	CP-CS	b
PH 55	Canterbury Frozen Meat Company Limited	Harewood	Christchurch	CP-CS	b
PH 58	PPCS Mossburn	Mossburn	Mossburn	CP-CS	b
PH 69	F. J. Ramsey Meats (Paerata) Ltd	Paerata	Auckland	CP-CS	b
PH 71	Progressive Meats Limited	Hastings	Hastings	CP-CS	b
PH 83	Venex Limited	Wairoa	Wairoa	CP-CS	b
PH 127	Game Meats NZ Ltd	South Kaipara Head	Helensville	CP-CS	b
PH 131	Summit Venison Ltd	Kaimai	Tauranga	CP-CS	b
PH 204	Constantia Foods Limited	Greerton	Tauranga	CP-CS	b
PH 206	Mair Venison Limited	Hokitika	Hokitika	CP-CS	b
PH 208	Waitotara Meat Co Ltd	Tirau	Tirau	CP-CS	b
PH 214	Garrett International Meats Ltd	Penrose	Auckland	CP-CS	b
PH 353	PPCS Burnside Division	Burnside	Dunedin	CP-CS	b
PH 366	PPCS Islington Ltd	Islington	Islington	CP-CS	b
PH 367	Venison Packers Fielding Limited	Fielding	Fielding	CP-CS	b
PH 376	Otago Venison Ltd	Invermay	Mosgiel	CP-CS	b
PH 391	Pacifica Venison Ltd	Kotinga	Takaka	CP-CS	b
PH 423	Mountain River Processors	Rakaia	Rakaia	CP-CS	b
PH 436	BioProducts (New Zealand) Limited	Mosgiel	Mosgiel	CP-CS	b
PH 469	Pacifica Venison Limited	Oxford	North Canterbury	CP-CS	b'

‘País: CROACIA / Land: KROATIEN / Land: KROATIEN / Χώρα: ΚΡΟΑΤΙΑ / Country: CROATIA / Pays: CROATIE / Paese: CROAZIA / Land: KROATIË / País: CROÁCIA / Maa: KROATIA / Land: KROATIEN

1	2	3	4	5	6
201	Contractor d.o.o.	Zupanja	—	SH-CP	a'

COMMISSION DECISION

of 4 March 1998

amending Decision 97/569/EC on drawing up provisional lists of third country establishments from which the Member States authorise imports of meat products

(Text with EEA relevance)

(98/220/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Council Decision 97/34/EC ⁽²⁾, and in particular Article 2(4) thereof,

Whereas provisional lists of establishments in third countries producing meat products have been drawn up by Commission Decision 97/569/EC ⁽³⁾ as last amended by Commission Decision 98/163/EC ⁽⁴⁾;

Whereas Chile, Croatia and Slovakia have sent a list of establishments producing poultry meat products and for which the responsible authorities certify that the establishment is in accordance with the Community rules;

Whereas a provisional list of establishments producing poultry meat products can thus be drawn up for Chile, Croatia and Slovakia; whereas Decision 97/569/EC should therefore be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is added to the Annex of Decision 97/569/EC.

Article 2

This Decision shall apply from 20 February 1998.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 234, 26. 8. 1997, p. 16.

⁽⁴⁾ OJ L 53, 24. 2. 1998, p. 23.

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

**País: CHILE / Land: CHILE / Land: CHILE / Χώρα: ΧΙΛΗ / Country: CHILE / Pays: CHILI /
Paese: CILE / Land: CHILI / País: CHILE / Maa: CHILE / Land: CHILE**

1	2	3	4	5
7	Agrícola Ariztia Ltda — Planta El Paico	El Monte	Metropolitana	PMP
8	Agrícola Super Ltda — Planta Faenadora Sanvicente Ltda	San Vicente TT	VI	PMP
9	Sopraval SA — Planta: Artificio	La Calera	V	PMP
20	Frigorífico Modelo Ltda	Santiago	Metropolitana	PMP

**País: CROACIA / Land: KROATIEN / Land: KROATIEN / Χώρα: ΚΡΟΑΤΙΑ / Country: CROATIA /
Pays: CROATIE / Paese: CROAZIA / Land: KROATIË / País: CROÁCIA / Maa: KROATIA /
Land: KROATIEN**

1	2	3	4	5
61	Koka d.d.	Varazdin	—	PMP
139	Danica d.o.o.	Koprivnica	—	PMP

**País: REPÚBLICA ESLOVACA/ Land: SLOVAKIET / Land: SLOWAKISCHE REPUBLIK /
Χώρα: ΣΛΟΒΑΚΙΚΗ ΔΗΜΟΚΡΑΤΙΑ / Country: SLOVAK REPUBLIC / Pays: RÉPUBLIQUE
SLOVAQUE / Paese: REPUBBLICA SLOVACCA / Land: SLOWAKIJE / País: REPÚBLICA
ESLOVACA / Maa: SLOVAKIAN TASAVALTA / Land: SLOVAKIEN**

1	2	3	4	5
SK 13	Nestle Food s.r.o.	Prievidza	Prievidza	PMP
SK 15	Tauris Nitra s.r.o.	Mojmirovce	Nitra	PMP
SK 16	Lumas M a M s.r.o.	Nitra	Nitra	PMP
SK 19	Kabát s.r.o.	Madunice	Hlohovec	PMP

COMMISSION DECISION

of 6 March 1998

concerning a request for exemption submitted by Germany pursuant to Article 8(2)(c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(98/221/EC)

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

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 97/27/EC ⁽²⁾, and in particular Article 8(2)(c) thereof,

Whereas the request submitted by Germany on 25 April 1997, which was received by the Commission on 5 May 1997, contained the information required by Article 8(2)(c); whereas the request concerns the installation of a spray-suppression system in a category N₃ type of vehicle;

Whereas the reasons set out in the request, according to which such spray-suppression systems, and the installation of the same, do not meet the requirements of the relevant Directives, in particular Council Directive 91/226/EEC of 27 March 1991 relating to the spray-suppression systems of certain categories of motor vehicles and their trailers ⁽³⁾, are well-founded;

Whereas the Community Directive concerned will be amended in order to permit the production and installation of such spray-suppression systems;

Whereas the measure provided for in this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Germany for an exemption concerning the installation of a spray-suppression system in a category N₃ type of motor vehicle is hereby approved.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 6 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ L 233, 25. 8. 1997, p. 1.

⁽³⁾ OJ L 103, 23. 4. 1991, p. 5.

COMMISSION DECISION

of 18 March 1998

amending Decision 92/486/EEC as regards the form of collaboration between the ANIMO host centre and the Member States

(Text with EEA relevance)

(98/222/EC)

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Decision 92/118/EEC⁽²⁾, and in particular Article 20(3) thereof,

Whereas, as a result of the work carried out at Community level in the course of studies and seminars, the structure of the ANIMO network should be revised so that a veterinary system integrating the various computer applications can be introduced;

Whereas Commission Decision 92/486/EEC of 25 September 1992 establishing the form of collaboration between the ANIMO host centre and the Member States⁽³⁾, as last amended by Decision 97/395/EC⁽⁴⁾, should be amended to introduce a transition period; whereas certain deadlines should also be set for the review of the current system;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 92/486/EEC is amended as follows:

1. In Article 2a, a new paragraph 3 is added:

‘3. For the period 1 April 1998 to 31 March 1999, the coordination authorities provided for in Article 1 shall ensure that the contracts referred to in that Article are extended for one year.

The following charges shall apply in respect of this paragraph:

ECU 386 per unit (central unit, local unit, border inspection post) for all the ANIMO units listed in Decision 96/295/EC, as last amended by Decision 98/167/EC⁽⁵⁾.

⁽⁵⁾ OJ L 62 of 3. 3. 1998, p. 33.’

2. The following Article 5a is added:

Article 5a

This Decision will be reviewed before:

- 1 October 1998 to consider the issue of direct connections between national servers,
- 31 January 1999 to consider how the structure of the ANIMO network has developed.’

Article 2

This Decision shall enter into force on 1 April 1998.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 291, 7. 10. 1992, p. 20.

⁽⁴⁾ OJ L 164, 21. 6. 1997, p. 25.