

Official Journal

of the European Communities

ISSN 0378-6978

L 88

Volume 41

24 March 1998

English edition

Legislation

Contents

I	<i>Acts whose publication is obligatory</i>	
	Commission Regulation (EC) No 647/98 of 23 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
*	Commission Regulation (EC) No 648/98 of 23 March 1998 amending Regulation (EC) No 327/98 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice	3
*	Commission Regulation (EC) No 649/98 of 23 March 1998 amending the Annex to Council Regulation (EEC) No 2309/93 ⁽¹⁾	7
*	Commission Regulation (EC) No 650/98 of 23 March 1998 amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas	8
*	Commission Regulation (EC) No 651/98 of 23 March 1998 amending Council Regulations (EC) No 1890/97 and (EC) No 1891/97 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway, amending Commission Regulation (EC) No 2529/97 imposing provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway with regard to certain exporters and amending Commission Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidies proceedings concerning imports of farmed Atlantic salmon originating in Norway	31

⁽¹⁾ Text with EEA relevance

Price: ECU 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EC) No 652/98 of 23 March 1998 amending Regulation (EC) No 445/98 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to their processing in the Community	41
★ Commission Regulation (EC) No 653/98 of 23 March 1998 fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 516/98	43
Commission Regulation (EC) No 654/98 of 23 March 1998 fixing the agricultural conversion rates	45
Commission Regulation (EC) No 655/98 of 23 March 1998 on issuing A2 export licences for fruit and vegetables	47

II Acts whose publication is not obligatory

Council

98/233/EC:

★ Decision No 1/98 of the Association Council, association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, of 3 March 1998 adopting the terms and conditions for the participation of the Slovak Republic in Community programmes in the fields of training, youth and education	49
---	----

Commission

98/234/EC:

★ Commission Decision of 15 July 1997 concerning financial aid granted to Lloyd Triestino Società di Navigazione SpA and Italia di Navigazione SpA ⁽¹⁾	53
---	----

98/235/EC:

★ Commission Decision of 11 March 1998 on the advisory committees dealing with matters covered by the common agricultural policy	59
--	----

98/236/EC:

★ Commission Decision of 12 March 1998 authorising the Member States to permit temporarily the marketing of seed of vetch (<i>Vicia sativa</i> L.) not satisfying the requirements of Council Directive 66/401/EEC	72
---	----

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 647/98
of 23 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 24 March 1998.

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

Done at Brussels, 23 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 23 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	51,1
	212	108,7
	624	190,7
	999	116,8
0709 90 70	052	106,7
	204	102,9
	624	209,3
	999	139,6
0805 10 10, 0805 10 30, 0805 10 50	052	36,5
	204	34,8
	212	42,6
	400	55,9
	600	42,4
	624	48,2
	999	43,4
0805 30 10	600	76,6
	999	76,6
0808 10 20, 0808 10 50, 0808 10 90	052	42,5
	060	37,5
	388	106,4
	400	93,0
	404	88,3
	508	91,6
	512	99,4
	524	95,6
	528	95,4
	720	72,9
	999	82,3
0808 20 50	052	137,7
	388	74,0
	400	102,2
	512	83,6
	528	80,6
	720	66,4
	999	90,7

⁽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 648/98

of 23 March 1998

amending Regulation (EC) No 327/98 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EC) No 327/98⁽²⁾ lays down detailed rules for the application of tariff quotas for imports of rice originating in particular in the United States; whereas consultations with the United States Government on the way those two quotas are to be administered have been completed; whereas imports of rice originating in the United States must involve the quantity for April 1998 using import licences issued on the basis of export licences issued by the competent bodies in the United States;

Whereas, in order to prevent imports under quotas for rice originating in the United States in respect of 1997 from creating disturbance on the Community market for rice, such imports should be staggered over a period of three years; whereas the breakdown of the quota quantities of rice originating in the United States in 1998, 1999 and 2000 should therefore be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 327/98 is hereby amended as follows:

1. Article 1(2) is deleted;
2. The following paragraph 2a is added to Article 2:

‘2a. For the years 1998, 1999 and 2000, the quantities of milled rice and husked rice originating in the United States and fixed in paragraph 1(a) and (b) shall be broken down as follows:

(i) for 1998:

— semi-milled and wholly-milled rice covered by CN code 1006 30:

April	July	September
19 361	19 360	—

— husked rice covered by CN code 1006 20:

April	July	September
4 776	4 776	—

⁽¹⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ L 37, 11. 2. 1998, p. 5.

(ii) for 1999:

— semi-milled and wholly-milled rice covered by CN code 1006 30:

January	April	July	September
19 361	19 360	19 360	—

— husked rice covered by CN code 1006 20:

January	April	July	September
3 821	3 821	3 821	—

(iii) for 2000:

— semi-milled and wholly-milled rice covered by CN code 1006 30:

January	April	July	September
19 362	19 360	19 360	—

— husked rice covered by CN code 1006 20:

January	April	July	September
3 822	3 821	1 910	—'

3. Article 3 is replaced by the following:

Article 3

Whereas import licence applications are submitted in respect of rice and broken rice originating in Thailand and rice originating in Australia or the United States under the quantities referred to in Article 2, they shall be accompanied by the original of the export licence drawn up in accordance with Annexes I, II and IV and issued by the competent body in the countries indicated therein.

The entries shall be optional for Sections 7, 8 and 9 of Annex I.

Export licences issued in respect of the quantities laid down in Article 2 shall be valid for the year concerned only.';

4. The Annex hereto is added as Annex IV to Regulation (EC) No 327/98.

Article 2

This Regulation shall enter into force on the 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, 23 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

WARNING! ORIGINAL DOCUMENT HAS MULTIPLE SECURITY FEATURES

EXPORT CERTIFICATE NO. 1000

UNITED STATES OF AMERICA
ASSOCIATION FOR THE ADMINISTRATION OF RICE QUOTAS, INC.

CERTIFICATE OF EU QUOTA ALLOCATION

FOR SEMI-MILLED OR MILLED RICE (CODE NO. 100630) OR HUSKED/BROWN RICE (CODE NO. 100620)

This certificate allocates to the person named below or its transferee the right to export U.S.-produced rice from the United States under European Union tariff-rate quotas, as specified below.

ISSUED TO

NAME:

ADDRESS:

TYPE OF RICE:☐

MILLED/SEMI-MILLED (CODE 100630)

☐

HUSKED/BROWN (CODE 100620)

CONSIGNMENT NET WEIGHT:
METRIC TONS**IMPORTER:**

(To be completed by importer at time of EU
customs clearance)

NAME:

ADDRESS:

PACKAGING:

(To be completed by exporter or importer, if applicable)

☐

packages of 5 kg or less

DATE ISSUED:

EXPIRATION DATE

VOID

AARQ Administrator

FOR USE BY EU AUTHORITIES

WARNING! ORIGINAL DOCUMENT HAS MULTIPLE SECURITY FEATURES

ASSOCIATION FOR THE ADMINISTRATION OF RICE QUOTAS, INC.
CERTIFICATE OF EU QUOTA ALLOCATION — TRANSFER OF OWNERSHIP

1. TRANSFEROR

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

TRANSFeree

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

2. TRANSFEROR

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

TRANSFeree

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

3. TRANSFEROR

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

TRANSFeree

NAME: _____
ADDRESS: _____

BY: _____
NAME: _____
TITLE: _____
DATE: _____

COMMISSION REGULATION (EC) No 649/98
of 23 March 1998
amending the Annex to Council Regulation (EEC) No 2309/93
(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 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products⁽¹⁾, and in particular Article 3(5) thereof,

Whereas for the purposes of animal health protection and given the specific nature of the market in veterinary medicinal products, encouragement should be given to pharmaceutical companies so that new and/or innovative medicinal products in the veterinary field are placed on the market as soon as possible;

Whereas pharmaceutical companies are bound by essential requirements for the development of medicinal products relating to, *inter alia*, clinical and toxicological studies; whereas these essential requirements vary according to whether the medicinal product is intended for domestic animals, animals producing food for human consumption or both categories of animal;

Whereas new and innovative veterinary medicinal products should be the subject of coherent and effective supervision by way of pharmacovigilance; whereas it is therefore preferable to entrust the supervision of a particular medicinal product to a single national or Community authority, regardless of its indications and target species;

Whereas it is also necessary to improve the transparency of and ease of access to the market in veterinary medicinal products by offering pharmaceutical companies the

possibility, for a given new and/or innovative medicinal product, of a single type of national or Community authorisation whatever the target species for that product;

Whereas therefore it must be possible for the European Agency for the Evaluation of Medicinal Products to carry out an evaluation, at the request of a company, of any veterinary medicinal product containing a new active substance which, on the date of entry into force of this Regulation, was not authorised by any Member State for use in animals;

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

In the Annex to Regulation (EEC) No 2309/93, Part B, the last indent shall be replaced by the following text:

‘Veterinary medicinal products containing a new active substance which, on the date of entry into force of this Regulation, was not authorised by any Member State for use in animals’.

Article 2

This Regulation shall enter into force on the 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, 23 March 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 214, 24. 8. 1993, p. 1.

COMMISSION REGULATION (EC) No 650/98
of 23 March 1998

amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1981/94 of 25 July 1994 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas⁽¹⁾, as last amended by Commission Regulation (EC) No 1667/97⁽²⁾, and in particular Articles 6 and 7 thereof,

Whereas Protocol No 1 of Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade arrangements for agricultural products⁽³⁾, provides the new preferential arrangements applied by the Community to imports of agricultural products originating in Turkey; whereas these preferential arrangements provide for community tariff quotas to be opened for certain products; whereas, following the adoption of these new arrangements by the Council in the beginning of 1998, the future concession of 3 % to be applied to unlimited quantities of hazelnuts or filberts originating in Turkey and imported into the Community, cannot enter into force until 1999; whereas it would therefore be suitable to maintain for imports of hazelnuts or filberts in 1998 the current concession of 0 % within the framework of a tariff quota;

Whereas the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part⁽⁴⁾, enters into force on 1 March 1998; whereas this agreement provides that certain products originating in Tunisia can benefit from tariff concessions within the framework of community tariff quotas, when imported into the Community; whereas the

volumes of the tariff quotas for some products are increased, between 1 January 1997 and 1 January 2000, in four yearly and equal steps, representing 3 % of these volumes; whereas the increases provided by the Agreement for implementation in 1997 could not take place because of the entry into force of the Agreement on 1 March 1998 and, consequently, the volumes of the tariff quotas applicable in 1998 take account of two increases;

Whereas, as a means of implementing the new concessions provided in the abovementioned Agreements, Regulation (EC) No 1981/94 should be amended; whereas this amendment must also take account of the necessary technical adjustments resulting from amendments of the Combined Nomenclature and of TARIC subdivisions; whereas, since Regulation (EC) No 1981/94 has been amended several times, it seems desirable to incorporate its Annexes I to X in a single regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I to X to Regulation (EC) No 1981/94 shall be replaced by Annexes I to X to this Regulation.

Article 2

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

It shall apply with effect from 1 January 1998, except for tariff quotas with Order numbers 09.1207, 09.1211, 09.1213, 09.1215 and 09.1217 of Annex VII, which shall apply with effect from 1 March 1998.

⁽¹⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽²⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽³⁾ OJ L 86, 20. 3. 1998, p. 3.

⁽⁴⁾ Not yet published in the Official Journal.

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

Done at Brussels, 23 March 1998.

For the Commission

Mario MONTI

Member of the Commission

ANNEX I

ANNEX I

TURKEY

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.0211	ex 0703 10 11 ex 0703 10 19		Onions, fresh or chilled: — From 16 May to 14 February	2 000	Exemption
09.0213	ex 0709 30 00		Aubergines (egg-plants), fresh or chilled: — From 1 May to 14 January	1 000	Exemption
09.0215	ex 0709 90 70		Courgettes, fresh or chilled: — From 1 March to 30 November	500	Exemption ⁽¹⁾
09.0201	0802 21 00 0802 22 00		Hazelnuts or filberts (<i>Corylus</i> spp.), fresh or dried: — From 1 January to 31 December 1998	25 000	Exemption
09.0217	ex 0807 11 00		Water melons, fresh: — From 16 June to 31 March	14 000	Exemption
09.0219	0811 10 11 0811 20 11 0811 90 19		Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, with a sugar content exceeding 13 % by weight: — Strawberries — Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries — Other	100	Exemption
09.0221	2002 10 2002 90 11 2002 90 19		Tomatoes prepared or preserved otherwise than by vinegar or acetic acid: — Whole or in pieces — Other, with a dry matter content of less than 12 % by weight	8 000	Exemption
09.0207	2002 90 31 2002 90 39 2002 90 91 2002 90 99		Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12 % by weight: — From 1 January to 30 June	15 000, of a dry matter content of 28 to 30 % by weight ⁽²⁾	Exemption
09.0209	2002 90 31 2002 90 39 2002 90 91 2002 90 99		Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12 % by weight: — From 1 July to 31 December	15 000, of a dry matter content of 28 to 30 % by weight ⁽²⁾	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.0223	2007 91 30		Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations of citrus fruit, with a sugar content exceeding 13 % but not exceeding 30 % by weight, other than homogenised preparations	100	Exemption
09.0225	2007 99 39		Other preparations of fruit and nuts, with a sugar content exceeding 30 % by weight	100	Exemption
09.0203	ex 2008 50 92 ex 2008 50 94	20 20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	600	Exemption

(¹) The exemption applies only to the *ad valorem* duty.

(²) For the administration of these Community tariff quotas, the following coefficients shall be applied to imports of products with a dry matter content other than 28 to 30 % by weight:

Dry matter content by weight		Coefficients
Not less than	But less than	
12	14	0,44828
14	16	0,51724
16	18	0,58621
18	20	0,65517
20	22	0,72414
22	24	0,7931
24	26	0,86207
26	28	0,93103
28	30	1
30	32	1,06897
32	34	1,13793
34	36	1,20689
36	38	1,27586
38	40	1,34483
40	42	1,41379
42	93	1,44828
93	100	3,32759'

ANNEX II

ANNEX II

ISRAEL

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN codes and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty (1)
09.1306	0603 10		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	19 500	Exemption
09.1341	ex 0603 10 69		Other fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — From 1 November to 15 April	5 000	Exemption
09.1351	0603 90 00		Cut flowers and flower buds, dried, dyed, bleached, impregnated or otherwise prepared	100	Exemption
09.1309	ex 0701 90 51		New potatoes: — From 1 January to 31 March 1998 — From 1 January to 31 March 1999 — From 1 January to 31 March of subsequent years	21 200 21 800 22 400	Exemption
09.1342	0702 00 00		Tomatoes, fresh or chilled	1 000	Exemption
09.1335	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	50	Fresh or chilled onions: — From 15 February to 15 May Wild onions of the species <i>Muscari comosum</i> : — From 15 February to 15 May	13 400	Exemption
09.1311	ex 0704 90 90	20	Chinese cabbage: — From 1 November 1997 to 31 March 1998 — From 1 November 1998 to 31 March 1999 — From 1 November to 31 March of subsequent years	1 060 1 090 1 120	Exemption
09.1313	0705 11 05 ex 0705 11 10 0705 11 80		Cabbage lettuce: — From 1 November 1997 to 31 March 1998 — From 1 November 1998 to 31 March 1999 — From 1 November to 31 March of subsequent years	318 327 336	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty (¹)
09.1317	ex 0706 10 00	10	Carrots: — From 1 January to 30 April 1998 — From 1 January to 30 April 1999 — From 1 January to 30 April of subsequent years	6 466 6 649 6 832	Exemption
09.1321	ex 0709 40 00	10	Celery sticks: — From 1 January to 30 April	13 000	Exemption
09.1303	0709 60 10		Sweet peppers	8 900	Exemption
09.1343	0709 90 90 0810 90 85		Other fruits and vegetables: — From 1 January to 31 December 1998 — From 1 January to 31 December 1999 — From 1 January to 31 December of subsequent years	2 120 2 180 2 240	Exemption
09.1353	0710 40 00 2004 90 10		Sweet corn, frozen	10 600	70 % of the specific duty
09.1354	0711 90 30 2001 90 30 2005 80 00		Sweet corn, not frozen	5 400	70 % of the specific duty
09.1344	0712 90 30 0712 90 50 0712 90 90		Dried tomatoes Dried carrots Other dried vegetables	100	Exemption
09.1323	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 82 ex 0805 10 84 ex 0805 10 86	10 10 10	Fresh oranges: — From 1 July to 30 June	200 000	Exemption (²)
09.1325	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50	10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh	21 000	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty (¹)
	ex 0805 20 70 ex 0805 20 90	10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10 to 15 17 to 22 24 to 29 31, 33, 35 37 to 42			
09.1345	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	30 30 30 30 31 33 35	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh: — From 15 March to 30 September	14 000	Exemption
09.1315	ex 0805 30 10	10 to 19, 25 to 34, 40 to 45	Lemons, fresh	7 700	Exemption
09.1346	ex 0805 30 90	11 19	Limes, fresh	1 000	Exemption
09.1327	ex 0807 11 00		Water-melons: — From 1 April to 15 June	9 400	Exemption
09.1329	ex 0807 19 00		Other melons: — From 1 November to 31 May	11 400	Exemption
09.1339	ex 0810 10 05 ex 0810 10 80		Strawberries: — From 1 November to 31 March	2 600	Exemption
09.1337	ex 0812 90 20	10	Oranges, comminuted, provisionally preserved	10 000	Exemption
09.1347	1602 31		Prepared or preserved turkey meat	300	8,5 %
09.1355	1704 90 30		White chocolate	100	70 % of the specific duty
09.1356	1806		Chocolate and other food preparations containing cocoa	2 500	85 % of the specific duty or of the agricultural component

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty (¹)
09.1357	ex 1901 10 00 ex 1901 90 99 ex 2106 10 80 ex 2106 90 98	22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 62, 68 14, 20, 52, 56, 80, 84 20 23, 27, 33, 37, 43, 47	Preparations for infant use, containing milk and milk products	100	70 % of the agricultural component
09.1358	1904		Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	200	70 % of the specific duty or of the agricultural component
09.1359	1905		Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	3 200	70 % of the specific duty or of the agricultural component
09.1307	2002 10 10		Peeled tomatoes	3 500	Exemption
09.1348	2004 90 98		Other vegetables, frozen	1 000	Exemption
09.1349	ex 2008 40 71 ex 2008 50 71 ex 2008 70 71 ex 2008 92 74 ex 2008 92 78 ex 2008 99 68	10 10 10 13 30 30	Slices of pears, fried in oil Slices of apricots, fried in oil Slices of peaches, fried in oil Mixtures of sliced fruits, fried in oil Mixtures of sliced fruits, fried in oil Slices of apples, fried in oil	100	Exemption
09.1301	ex 2008 50 92 ex 2008 50 94	20 20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	180	Exemption
09.1350	2008 92 51 2008 92 59 2008 92 72 2008 92 74 2008 92 76 2008 92 78		Mixtures of fruits	250	Exemption
09.1331	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 11 2009 19 19 2009 19 91 2009 19 99		Orange juice	92 600	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty ⁽¹⁾
09.1333	ex 2009 11 11	10	Of which: orange juice imported in packages of a capacity of two litres or less	22 400	Exemption
	ex 2009 11 19	10			
	ex 2009 11 91	10			
	ex 2009 11 99	10			
		91			
	ex 2009 19 11	10			
	ex 2009 19 19	10			
	ex 2009 19 91	10			
	ex 2009 19 99	10			
09.1319	2009 50		Tomato juice	10 200	Exemption
09.1352	2204 21 10		Other wine of fresh grapes	1 610 hl	Exemption
	ex 2204 21 79	79			
		80			
	ex 2204 21 80	79			
		80			
	ex 2204 21 83	10			
		79			
		80			
	ex 2204 21 84	10			
		79			
		80			
	ex 2204 21 94	10			
		30			
	ex 2204 21 98	10			
		30			
	ex 2204 21 99	10			

⁽¹⁾ The exemption or reduction applies only to the *ad valorem* duty, save for the products from Order Nos 09.1352 to 09.1359.

⁽²⁾ Within this tariff quota, the agreed entry price between the European Community and Israel, from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

- ECU 271/tonne, from 1 December 1997 to 31 May 1998,
- ECU 268/tonne, from 1 December 1998 to 31 May 1999,
- ECU 266/tonne, from 1 December 1999 to 31 May 2000,
- ECU 264/tonne, for every period thereafter, from 1 December to 31 May.

If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.⁷

*ANNEX III**'ANNEX III***JORDAN**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1152	0603 10		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — From 1 November to 31 October	56	Exemption'

ANNEX IV

ANNEX IV

MOROCCO

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1114	0603 10		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — From 1 November to 31 October	336,5	Exemption
09.1135	ex 0603 10 11 ex 0603 10 51 ex 0603 10 21 ex 0603 10 61 ex 0603 10 25 ex 0603 10 65 ex 0603 10 13 0603 10 53		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: Roses, gladioli and chrysanthemums: — From 15 October to 14 May Carnations: — From 15 October to 31 May	2 263,5 ⁽¹⁾ ⁽²⁾	Exemption
09.1136	ex 0603 10 29 ex 0603 10 69		Other flowers: — From 15 October to 14 May	1 900 ⁽¹⁾ ⁽³⁾	Exemption
09.1115	ex 0701 90 51		New potatoes: — From 1 January to 31 March	43 680	Exemption
09.1189	ex 0702 00 00		Tomatoes, fresh or chilled: — From 1 to 31 October	5 000 ⁽⁴⁾ ⁽⁵⁾	—
09.1117 09.1118 09.1190	ex 0702 00 00		Tomatoes, fresh or chilled: — From 15 November to 31 March — From 1 to 30 April — From 1 November to 31 March	79 408 16 800 145 676 ⁽⁴⁾ ⁽⁵⁾	Exemption ⁽⁶⁾ Exemption ⁽⁶⁾ ⁽⁷⁾
09.1127	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	50	Onions, including wild onions of the species <i>Muscari comosum</i> , fresh or chilled: — From 15 February to 15 May	5 040	Exemption
09.1109	ex 0704 90 90	20	Chinese cabbage: — From 1 November to 31 December	120	Exemption
09.1111	ex 0705 11 10 ex 0705 11 80	20	“Iceberg” lettuce (<i>Lactuca sativa</i> L., <i>Capitata</i> L.): — From 1 November to 31 December	120	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1137	ex 0707 00 05		Cucumbers: — From 1 November to 31 May	5 000 ⁽⁴⁾ ⁽⁵⁾	—
09.1138	ex 0709 10 00	70, 72, 74, 76, 78, 80	Globe artichokes: — From 1 November to 31 December	500 ⁽⁴⁾ ⁽⁵⁾	—
09.1133	ex 0709 90 70		Courgettes: — From 1 October to 20 April	5 000 ⁽⁴⁾ ⁽⁵⁾	—
09.1121	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 82 ex 0805 10 84 ex 0805 10 86	10 10 10	Fresh oranges: — From 1 July to 30 June	296 800	Exemption ⁽⁶⁾
09.1122			— From 1 December to 31 May	300 000 ⁽⁴⁾ ⁽⁵⁾	⁽⁶⁾
09.1129	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10, 12, 14, 16, 18, 20, 30, 40, 42, 44, 46, 48, 50 10 to 15, 17 to 22, 24 to 29, 31, 33, 35, 37 to 42	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh: — From 1 July to 30 June	123 200	Exemption ⁽⁶⁾
09.1130	ex 0805 20 10	10, 12, 14, 16, 18, 20, 40, 42, 44, 46, 48, 50	Fresh clementines: — From 1 November to the end of February	110 000 ⁽⁴⁾ ⁽⁵⁾	⁽⁶⁾

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1101	ex 1604 13 11	20	Prepared or preserved sardines of the species <i>Sardina pilchardus</i> :	22 500 ⁽¹⁰⁾	Exemption
	ex 1604 13 19	20			
	ex 1604 20 50	10	— From 1 January to 31 December 1998		
09.1119	2004 90 50 2005 40 00 2005 59 00		Peas (<i>Pisum sativum</i>) and immature beans in pod prepared or preserved otherwise than by vinegar or acetic acid, whether or not frozen	10 440	Exemption
09.1105	ex 2008 50 92 ex 2008 50 94	20 20	Apricot pulp, not containing added spirit or sugar, in immediate packings of a net content of 4,5 kg or more	9 900	Exemption
09.1123	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 11 2009 19 19 2009 19 91 2009 19 99		Orange juice	16 800	Exemption ⁽⁶⁾
09.1124	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99 ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 99	10 10 10 10 91 10 10 10 10	Of which: Orange juice imported in packings of a capacity of two litres or less	5 040	Exemption ⁽⁶⁾
09.1107	ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	72 72 72 72	Wines entitled to one of the following designations of origin: Berkane, Saïs, Beni M'Tir, Guerrouane, Zemmour, Zennata, of an actual alcoholic strength by volume not exceeding 15 % vol and in containers holding two litres or less	56 000 hl	Exemption
09.1131	2204 10 19 2204 10 99 2204 21 10 2204 21 79 ex 2204 21 80 2204 21 83 ex 2204 21 84 ex 2204 21 94	 72 79 80 10 72 79 80 10 30	Sparkling wine, other Other wine of fresh grapes	95 200 hl	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
	ex 2204 21 98	10			
		30			
	ex 2204 21 99	10			
	2204 29 10				
	2204 29 65				
	ex 2204 29 75	10			
	2204 29 83				
	ex 2204 29 84	10			
		30			
	ex 2204 29 94	10			
		30			
	ex 2204 29 98	10			
		30			
	ex 2204 29 99	10			

(¹) From 1 November, drawings from this quota shall be granted only once quota 09.1114 has been exhausted.

(²) This volume shall be increased to 2 663,5 tonnes for the period 1998/99 *et seq.*

(³) This volume shall be increased to 2 000 tonnes for the period 1998/99 *et seq.*

(⁴) Within these tariff quotas, the agreed entry price between the European Community and Morocco, from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

(a) for tomatoes:

- ECU 484/tonne, from 1 January to 31 March and from 1 October to 31 December 1997,
- ECU 476/tonne, from 1 January to 31 March and from 1 October to 31 December 1998,
- ECU 468/tonne, from 1 January to 31 March and from 1 October to 31 December 1999,
- ECU 461/tonne, for every period thereafter, from 1 January to 31 March and from 1 October to 31 December;

(b) for cucumbers:

- ECU 480/tonne, from 1 January to 31 May and from 1 November to 31 December 1997,
- ECU 470/tonne, from 1 January to 31 May and from 1 November to 31 December 1998,
- ECU 459/tonne, from 1 January to 31 May and from 1 November to 31 December 1999,
- ECU 449/tonne, for every period thereafter, from 1 January to 31 May and from 1 November to 31 December;

(c) for globe artichokes:

- ECU 588/tonne, from 1 November to 31 December 1997,
- ECU 582/tonne, from 1 November to 31 December 1998,
- ECU 577/tonne, from 1 November to 31 December 1999,
- ECU 571/tonne, for every period thereafter, from 1 November to 31 December;

(d) for courgettes:

- ECU 440/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1997,
- ECU 435/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1998,
- ECU 429/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1999,
- ECU 424/tonne, for every period thereafter, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December,
- during the period 1 February to 31 March the "WTO" entry price which is more favourable than the agreed entry prices shall apply;

(e) for oranges:

- ECU 271/tonne, from 1 December 1997 to 31 May 1998,
- ECU 268/tonne, from 1 December 1998 to 31 May 1999,
- ECU 266/tonne, from 1 December 1999 to 31 May 2000,
- ECU 264/tonne, for every period thereafter, from 1 December to 31 May;

(f) for clementines:

- ECU 493/tonne, from 1 November 1997 to the end of February 1998,
- ECU 490/tonne, from 1 November 1998 to the end of February 1999,
- ECU 487/tonne, from 1 November 1999 to the end of February 2000,
- ECU 484/tonne, for every period thereafter, from 1 November to the end of February.

(⁵) If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price as specified in footnote 4, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

(⁶) The exemption applies only to the *ad valorem* duty.

(⁷) Also exemption of the *ad valorem* duty during the period 15 November to 31 March, in the framework of the tariff quota with order No 09.1117.

(⁸) Also exemption of the *ad valorem* duty during the period 1 December to 31 May, in the framework of the tariff quota with order No 09.1121.

(⁹) Also exemption of the *ad valorem* duty during the period 1 November to the end of February, in the framework of the tariff quota with order No 09.1129.

(¹⁰) A customs duty of 4 % shall be applied in respect of quantities imported in excess of the tariff quota.'

ANNEX V

ANNEX V

CYPRUS

Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1420	0603 10		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes: — From 1 November to 31 October	75	Exemption
09.1401	0701 90 59		New potatoes	110 000	Exemption
09.1425	ex 0704 90 90	20	Chinese cabbage: — From 1 November to 31 December	150	Exemption
09.1427	ex 0705 11 10 ex 0705 11 80	20 10	"Iceberg" lettuce (<i>Lactuca sativa</i> L., <i>Capitata</i> L.): — From 1 November to 31 December	150	Exemption
09.1403	ex 0706 10 00	10	Carrots: — From 1 April to 15 May	3 750	Exemption
09.1411	ex 0706 90 90	20	Salad beetroots	2 250	Exemption
09.1405	ex 0709 30 00		Aubergines (egg-plants): — From 1 October to 30 November	450	Exemption
09.1409	0709 60 10		Sweet peppers	450	Exemption
09.1431	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50		Fresh oranges: — From 1 December to 31 May	48 200	Exemption ⁽¹⁾
09.1407	ex 0806 10 10		Fresh table grapes: — From 8 June to 9 August	11 000	Exemption ⁽²⁾
09.1413	0806 20 11 0806 20 12 0806 20 18 ex 0806 20 91 ex 0806 20 92 ex 0806 20 98	 10 10 10	Dried grapes, in immediate containers of a net capacity not exceeding 15 kg	2 250	Exemption
09.1429	2008 99 43 2008 99 53		Grapes, otherwise prepared or preserved, not containing added spirit, containing added sugar, not elsewhere specified or included	2 500	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1421	2009 60 51 2009 60 71 ex 2009 60 90 2204 30 92	11 91	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: – Grape juice (including grape must): – – Of a density not exceeding 1,33 g/cm³ at 20 °C: – – – Of a value exceeding ECU 18 per 100 kg net weight: – – – – Concentrated – – – – Of a value not exceeding ECU 18 per 100 kg net weight: – – – – With an added sugar content exceeding 30 % by weight: – – – – – Concentrated – – – – Other, concentrated within the meaning of Additional Note 6 to Chapter 20 of the Combined Nomenclature Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009: – Other grape must: – – Other: – – – Of a density of 1,33 g/cm³ of less at 20 °C and of an alcoholic strength by volume not exceeding 1 % vol: – – – – Concentrated	4 950	Exemption ⁽²⁾
09.1415	2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	79 80 79 80 79 80	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009: – Other wine; grape must with fermentation prevented or arrested by the addition of alcohol: – – In containers holding two litres or less: – – – Other: – – – – Of an actual alcoholic strength by volume not exceeding 13 % vol: – – – – – Other: – – – – – – White wine – – – – – – Other wine – – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol: – – – – – Other: – – – – – – White wine, other than liqueur wines of an actual alcoholic strength by volume of 15 % vol – – – – – – Other wine, other than liqueur wines of an actual alcoholic strength by volume 15 % vol	52 500 hl	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1423	2204 29 65 ex 2204 29 75 ex 2204 29 83 ex 2204 29 84	10 80 30	— — Other: — — — Other: — — — — Of an actual alcoholic strength by volume not exceeding 13 % vol: — — — — — Other: — — — — — — White wine — — — — — — Other wine — — — — — Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol: — — — — — Other: — — — — — — White wine, other than liqueur wines of an actual alcoholic strength by volume of 15 % vol — — — — — — Other wine, other than liqueur wines of an actual alcoholic strength by volume of 15 % vol	29 120 hl	Exemption
09.1417	ex 2204 21 83 ex 2204 21 84 ex 2204 21 94 ex 2204 21 98 ex 2204 29 83	10 10 10 10 10	— Other wine; grape must with fermentation prevented or arrested by the addition of alcohol: — — In containers holding two litres or less: — — — Other: — — — — Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol: — — — — — Other: — — — — — — White liqueur wines of an actual alcoholic strength by volume of 15 % vol — — — — — — Other liqueur wines of an actual alcoholic strength by volume of 15 % vol — — — — — Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol: — — — — — Other liqueur wines — — — — — Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol: — — — — — Other liqueur wines — — Other: — — — Other: — — — — Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol: — — — — — Other: — — — — — — White liqueur wines of an actual alcoholic strength by volume of 15 % vol	225 000 hl	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
	ex 2204 29 84	10	— — — — — Other liqueur wines of an actual alcoholic strength by volume of 15 % vol		
			— — — — — Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:		
	ex 2204 29 94	10	— — — — — Other liqueur wines		
			— — — — — Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
	ex 2204 29 98	10	— — — — — Other liqueur wines		

(¹) Within this tariff quota, the agreed entry price between the European Community and Cyprus, from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

- 271 ECU/tonne, from 1 December 1997 to 31 May 1998,
- 268 ECU/tonne, from 1 December 1998 to 31 May 1999,
- 266 ECU/tonne, from 1 December 1999 to 31 May 2000,
- 264 ECU/tonne, for every period thereafter, from 1 December to 31 May.

If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

(²) The exemption applies only to the *ad valorem* duty.'

ANNEX VI

ANNEX VI

EGYPT

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1705	ex 0701 90 51		New potatoes: — From 1 January to 31 March	109 760	Exemption
09.1703	ex 0703 10 11 ex 0703 10 19 ex 0709 90 90	 50	Onions, including wild onions of the species <i>Muscari comosum</i> , fresh or chilled: — From 1 February to 15 May	12 120	Exemption
09.1709	ex 0708 20 20 ex 0708 20 95	10 20 10 20	Beans (<i>Phaseolus</i> spp.), fresh or chilled: — From 1 November to 30 April	7 680	Exemption
09.1701	0712 20 00		Dried onions, whole, cut, sliced, broken or in powder, but not further prepared	5 880	Exemption
09.1707	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 82 ex 0805 10 84 ex 0805 10 86	 10 10 10	Fresh oranges: — From 1 July to 30 June	7 840	Exemption ⁽¹⁾
09.1711			— From 1 December to 31 May	8 000 ⁽²⁾	⁽³⁾

⁽¹⁾ The exemption applies only to the *ad valorem* duty.

⁽²⁾ Within this tariff quota, the agreed entry price between the European Community and Egypt, from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

- ECU 271/tonne, from 1 December 1997 to 31 May 1998,
- ECU 268/tonne, from 1 December 1998 to 31 May 1999,
- ECU 266/tonne, from 1 December 1999 to 31 May 2000,
- ECU 264/tonne, for every period thereafter, from 1 December to 31 May.

If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

⁽³⁾ Also exemption of the *ad valorem* duty during the period 1 December to 31 May in the framework of the tariff quota with order No 09.1707.'

ANNEX VII

ANNEX VII

TUNISIA

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1211	0603 10		Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh: — From 1 March to 31 December 1998 — From 1 January to 31 December 1999 — From 1 January to 31 December of subsequent years	796 818 840	Exemption
09.1213	ex 0701 90 51		New potatoes: — From 1 to 31 March 1998 — From 1 January to 31 March 1999 — From 1 January to 31 March of subsequent years	15 900 16 350 16 800	Exemption
09.1207	0805 10 10 0805 10 30 0805 10 50 ex 0805 10 82 ex 0805 10 84 ex 0805 10 86	10 10 10	Fresh oranges: — From 1 March to 31 December 1998 — From 1 January to 31 December 1999 — From 1 January to 31 December of subsequent years	33 242 34 182 35 123	Exemption (¹)
09.1201	ex 1604 13 11 ex 1604 13 19 ex 1604 20 50	20 20 10	Prepared or preserved sardines of the species <i>Sardina pilchardus</i>	100	Exemption
09.1215	2002 90 31 2002 90 39 2002 90 91 2002 90 99		Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12 %: — From 1 March to 31 December 1998 — From 1 January to 31 December 1999 — From 1 January to 31 December of subsequent years	2 120 2 180 2 240	Exemption
09.1203	ex 2008 50 92 ex 2008 50 94	20 20	Apricot pulp, not containing added spirit nor sugar, in immediate packings of a net content of 4,5 kg or more	5 160	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1217	2008 92 51 2008 92 59		Mixtures of fruit, not containing added spirit, containing added sugar: — From 1 March to 31 December 1998 — From 1 January to 31 December of subsequent years	1 000 ⁽²⁾	Exemption
	2008 92 72 2008 92 74 2008 92 76 2008 92 78				45 % of the CCT
09.1205	ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	73 73 73 73	Wines entitled to one of the following designations of origin: Coteaux de Teboura, Coteaux d'Utique, Sidi-Salem, Kelibia, Thibar, Mornag, Grand cru Mornag, of an actual alcoholic strength by volume of 15 % vol or less and in containers holding two litres or less	56 000 hl	Exemption
09.1209	2204 10 19 2204 10 99 2204 21 10 2204 21 79 ex 2204 21 80 2204 21 83 ex 2204 21 84 ex 2204 21 94 ex 2204 21 98 ex 2204 21 99 2204 29 10 2204 29 65 ex 2204 29 75 2204 29 83 ex 2204 29 84 ex 2204 29 94 ex 2204 29 98 ex 2204 29 99	 73 79 80 10 73 79 80 10 30 10 30 10 10 30 10 30 10 30 10 30	Sparkling wine, other Other wine of fresh grapes	179 200 hl	Exemption

⁽¹⁾ The exemption applies only to the *ad valorem* duty.

⁽²⁾ Common tariff quota for the six CN codes for fruit mixtures.

ANNEX VIII

ANNEX VIII

ALGERIA

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subvision	Description of goods	Quota volume per year or indicated period	Quota duty
09.1001	ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84	71 71 71 71	Wines entitled to one of the following designations of origin: Aïn Bessem-Bouira, Médéa, coteaux du Zaccar, Dahra, coteaux de Mascara, Monts du Tessalah, coteaux de Tlemcen, of an actual alcoholic strength by volume not exceeding 15 % vol, in containers holding two litres or less	224 000 hl	Exemption
09.1003	2204 10 19 2204 10 99 2204 21 10 2204 21 79 ex 2204 21 80 2204 21 83 ex 2204 21 84 ex 2204 21 94 ex 2204 21 98 ex 2204 21 99 2204 29 10 2204 29 65 ex 2204 29 75 2204 29 83 ex 2204 29 84 ex 2204 29 94 ex 2204 29 98 ex 2204 29 99	 71 79 80 10 71 79 80 10 30 10 30 10 10 30 10 30 10 30 10	Sparkling wines, other Other wine of fresh grapes	224 000 hl	Exemption'

*ANNEX IX**ANNEX IX***MALTA**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period	Quota duty
09.1451	2203 00		Beer made from malt	5 000 hl	Exemption'

*ANNEX X**ANNEX X***WEST BANK AND GAZA STRIP**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	TARIC subdivision	Description of goods	Quota volume per year or indicated period (in tonnes)	Quota duty
09.1381	ex 0810 10 05 ex 0810 10 80		Fresh strawberries: — From 1 November to 31 March	1 200	Exemption
09.1382	0603 10		Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh	1 500	Exemption'

COMMISSION REGULATION (EC) No 651/98

of 23 March 1998

amending Council Regulations (EC) No 1890/97 and (EC) No 1891/97 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway, amending Commission Regulation (EC) No 2529/97 imposing provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway with regard to certain exporters and amending Commission Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidies proceedings concerning imports of farmed Atlantic salmon originating in Norway

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 Articles 7 and 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽³⁾, and in particular Article 13 thereof,

Having regard to Council Regulation (EC) No 1890/97 of 26 September 1997 imposing a definitive anti-dumping duty on imports of farmed Atlantic salmon originating in Norway⁽⁴⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 1891/97 of 26 September 1997 imposing a definitive countervailing duty on imports of farmed Atlantic salmon originating in Norway⁽⁵⁾, and in particular Article 2 thereof,

After consulting the Advisory Committee,

Whereas:

porters. These undertakings apply to all sales invoiced by these exporters since 1 July 1997.

Subsequent to the acceptance of these undertakings, the Commission had reasons to believe that 29 exporters were failing to comply with the terms of these undertakings:

— it appeared from their reports relating to the third quarter 1997 that six Norwegian exporters had made sales on the Community market below the minimum price stipulated in the undertaking for each presentation of the product concerned,

— 23 Norwegian exporters failed to comply with their obligation to submit their report relating to the third quarter 1997 within the prescribed time limit, or did not submit such report at all. These exporters did not provide any evidence of *force majeure* to justify such late reporting.

- (2) Consequently, the Commission, by Commission Regulation (EC) No 2529/97⁽⁶⁾, hereinafter referred to as the Provisional Duty Regulation, imposed provisional anti-dumping and countervailing duties on imports of farmed Atlantic salmon falling within CN codes ex 0302 12 00, ex 0304 10 13, ex 0303 22 00 and ex 0304 20 originating in Norway and exported by the companies listed in Annex I to that Regulation.

A. PROVISIONAL MEASURES

- (1) In the framework of the anti-dumping and anti-subsidy investigations initiated by two separate notices published in the *Official Journal of the European Communities*⁽⁷⁾, the Commission had accepted, on 26 September 1997, by Decision 97/634/EC⁽⁷⁾, undertakings offered by the Kingdom of Norway and by 190 Norwegian ex-

B. SUBSEQUENT PROCEDURE

- (3) All Norwegian companies concerned by the provisional duties received disclosure in writing concerning the essential facts and considerations on the basis of which these duties were imposed.
- (4) Within the time limit set in the Provisional Duty Regulation, most of the Norwegian companies concerned submitted comments in writing.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 288, 21. 10. 1997, p. 1.

⁽⁴⁾ OJ L 267, 30. 9. 1997, p. 1.

⁽⁵⁾ OJ L 267, 30. 9. 1997, p. 19.

⁽⁶⁾ OJ C 235, 31. 8. 1996, pp. 18 and 20.

⁽⁷⁾ OJ L 267, 30. 9. 1997, p. 81.

⁽⁸⁾ OJ L 346, 17. 12. 1997, p. 63.

(5) Subsequent to the written submissions received, the Commission sought and verified all information it deemed necessary for the purpose of a definitive determination on the apparent violations, and carried out verification visits at the premises of the following companies in Norway:

- Fresh Marine Company AS (Taric additional code 8149), and
- Seanor AS (Taric additional code 8272).

C. DEFINITIVE FINDINGS

(6) During the subsequent procedure, four companies could provide satisfactory evidence demonstrating that the provisional findings resulted *inter alia* from erroneous or unclear reporting on the part of the companies concerned. In fact, the actual average sales prices of these companies for the respective presentations of the product concerned were such that they did not violate the minimum price as stipulated in the undertaking.

(7) One of the companies which apparently had failed to send its undertaking report within the time limit set could finally provide evidence that despite the adverse *prima facie* evidence initially available, it had in fact delivered its report in time to the local post office.

(8) For the aforementioned five exporters therefore, the breach of their undertakings provisionally established cannot be definitively confirmed. Consequently, following the exporters' confirmation that they intend to continue to adhere to their undertakings, the *status quo ante* should be re-established as regards these companies' undertakings.

(9) Therefore, for the following five companies, the provisional measures are to be repealed, the amounts secured by way of provisional duty are to be released, and their undertakings reinstated.

UT No	Company name
47	Fjord Aqua Group A/S
52	Fresh Marine Company A/S
76	Joh. H. Pettersen A/S
120	Norsk Sjømat A/S
161	Seonor A/S

(10) Parties were informed of the essential facts and considerations on the basis of which it was intended to repeal the provisional anti-dumping and countervailing duties and reinstate their undertakings. No further comments were received.

(11) None of the other companies which failed to respect their reporting obligations submitted any valid evidence of *force majeure* as allowed by the undertaking.

In the absence of specific provisions in this regard in the basis anti-dumping and anti-subsidies regulations, and in accordance with the case-law of the Court of Justice, the justification invoked by each company as circumstances constituting *force majeure* can only be recognised as such where the failure was the inevitable result of an extraneous cause which could not reasonably have been foreseen or pre-empted and made it objectively impossible for the company concerned to comply with its obligations.

In this regard, all circumstances invoked by the parties concerned, e.g. the holidays of a responsible person, misunderstanding about the scope of the undertakings, loss of time management software, erroneous filing of correspondence, cannot be considered as circumstances constituting *force majeure*.

(12) On the basis of the foregoing it is concluded that two Norwegian exporters have breached their obligation to respect the minimum price. In addition, 22 other Norwegian exporters have breached the reporting requirements of their undertakings.

(13) Parties were informed of the essential facts and considerations on the basis of which it was intended to confirm the withdrawal of the Commission's acceptance of their undertaking and to recommend the imposition of definitive anti-dumping and countervailing duties and the definitive collection of the amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.

D. NEWCOMERS

(14) Following the imposition of definitive anti-dumping and countervailing duties, several com-

panies made themselves known to the Commission claiming to be new exporters, and offered undertakings.

- (15) In this regard, one such company, Nor-Fa Food AS could demonstrate that if had not exported to the Community during the investigation period relevant for the investigations which led to the current anti-dumping and countervailing measures. This company could show that it was not related to any of the exporters or producers in Norway which are subject to the anti-dumping and countervailing measures on farmed Atlantic salmon. Finally, it demonstrated that it had entered into irrevocable contractual obligation to export a significant quantity of farmed Atlantic salmon to the Community.

The undertaking offered is identical in its terms to those previously accepted from other Norwegian exporters of farmed Atlantic salmon, and it is considered that the acceptance of an undertaking in these terms from this exporter will be sufficient to remove the injurious effects of dumping.

Since the exporter has agreed to provide the Commission with regular and detailed information on its exports to the Community, it is concluded that the correct observance of the undertaking can be effectively monitored by the Commission.

- (16) The undertaking offered by this company is therefore considered acceptable. The company was informed of the essential facts and considerations on which the acceptance of the undertaking be based. The Advisory Committee was consulted and no objections were raised as to the acceptance of the undertaking offered. Therefore, pursuant to Article 2 of Regulation (EC) No 1890/97 and Article 2 of Regulation (EC) No 1891/97, the Annexes to these two Regulations should be amended to extend the exemption from the payment of the anti-dumping and countervailing duties to this new exporter.

E. AMENDMENT OF THE ANNEX TO DECISION 97/634/EC

- (17) The Commission is in parallel to this Regulation submitting a proposal for a Council regulation imposing definitive anti-dumping and countervailing duties on farmed Atlantic salmon originating in Norway and exported by the other 24 companies which are subject to the provisional duty imposed by the Provisional Duty Regulation

and for which the breach of the undertaking has been confirmed by the definitive findings made.

In addition, certain companies informed the Commission, that their name had been changed or that their name as shown in the Annex to Decision 97/634/EC is not correct. Where a company has changed its name, the Commission verified that there was no change in the corporate structure which would call for a more detailed examination of the appropriateness of maintaining its undertaking.

The Annex to Decision 97/634/EC accepting undertakings in the context of the present anti-dumping and anti-subsidies proceedings should be amended to take account of the acceptance of the undertaking by the newcomer Nor-Fa Food AS, the change of name of Skaarfish Group AS, the correction of the name indicated for West Fish Sales Ltd and the reinstatement of the undertakings given by the companies in respect of which the provisional duty is being repealed. In the interests of clarity, the full Annex, as revised, is annexed hereto at Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Annex to Regulation (EC) No 2529/97 is hereby replaced by Annex I hereto.

2. The amounts secured by way of the provisional anti-dumping and countervailing duties imposed by that Regulation in relation to farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (Taric code 0302 12 00*19), ex 0304 10 13 (Taric code 0304 10 13*19), ex 0303 22 00 (Taric code 0303 22 00*19) and ex 0304 20 13 (Taric code 0304 20 13*19) originating in Norway and exported by the following companies shall be released.

UT No	Company name	Taric additional code
47	Fjord Aqua Group A/S	8144
52	Fresh Marine Company A/S	8149
76	Joh. H. Pettersen A/S	8178
120	Norsk Sjømat A/S	8233
161	Seanor A/S	8272

Article 2

The Annex to Decision 97/634/EC is hereby replaced by Annex II hereto.

UT No	Company name	Taric code
191	Nor-Fa Food AS	8102

Article 3

The following company shall be added to the Annex to Regulation (EC) No 1890/97 and the Annex to Regulation (EC) No 1891/97:

Article 4

This Regulation shall enter into force on the 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, 23 March 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

No	Company name	Taric additional code
6	Altafjord Oppdrett A/S	8099
9	Aqua Supply A/S	8107
10	Aquatrade AS	8108
18	A/S Møre Codfish Company	8116
34	Compania do Bacalhau Lda A/S	8132
38	DNHS Fishing Company A/S	8399
56	Gje-vi A/S	8153
57	Gjendemsjø Fisk A/S	8299
63	Heroy Lakseoppdrett AL	8305
73	J. Meinert A/S	8175
74	Jan og Einar Martinussen A/S	8176
78	Karl Storm Andersen Eft A/S	8180
91	Marinco A/S	8191
94	Master Seafood	8198
102	Nature Sea-lect Ltd	8208
103	Neptun Stavanger A/S	8209
110	Nordhav A/S	8216
127	Norwegian Salmon A/S	8315
132	Ocean Superior Products A/S	8237
135	Omega Sea A/S	8240
139	Polar Gigante A/S	8246
170	Starfish	8281
184	Uniprawns A/S	8318
185	Vareberg's Røykeri	8319

ANNEX II

UT No	Company name	Taric additional code
1	A. Ovreskotnes AS	8095
2	A.B.A. A/S	8096
3	Agnefest Seafood	8325
4	Alamar A/S	8097
5	Alsvag Fiskeprodukter A/S	8098
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
12	Arctic Product A/S	8110
13	Artic Superior A/S	8111
14	Arne Mathisen A/S	8112
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
19	A/S Nortraders Ltd	8117
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
23	Atlantic King Stranda A/S	8121
24	Atlantic Seafood A/S	8122
25	Atlantis A/S	8123
26	Borkowski & Rosnes A/S	8124
27	Brodrene Aasjord A/S	8125
28	Brodrene Eilertsen A/S	8126
29	Brodrene Karlsen A/S	8127
30	Brodrene Remo A/S	8128
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/A	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
36	Delfa Norge A/S	8134
37	DM Direkte Markedsforingsbyra	8135

UT No	Company name	Taric additional code
39	Domstein Salmon A/S	8136
40	E. Slorer Jacobsen & Co. A/S	8137
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Eurolaks AS	8140
44	Euronor AS	8141
45	Fader Martin AS	8142
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
49	Fonn Egersund AS	8146
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
53	Fryseriet AS	8150
54	Frøya Fiskeindustri AS	8151
55	Gigante Fiskekroken AS	8152
58	Grieg Seafood AS	8300
59	Gunnar Klo AS	8301
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Herøy Filetfabrikk AS	8304
64	Hirsholm Norge AS	8306
65	Hitramat & Delikatesse AS	8154
66	Hydro Seafood Sales AS	8159
67	Hydrotech-gruppen AS	8428
68	Icelandic Freezing Plants N. AS	8165
69	Imperial Salmon Co. AS	8171
70	Incofood AS	8172
71	Inter Road AS	8173
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
80	Kr. Kleiven & Co. AS	8182

UT No	Company name	Taric additional code
81	Kurt F. Løseth & Co. AS	8183
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
84	Langfjord Laks AS	8186
85	Leica Fiskeprodukter	8187
86	Leonhard Products AS	8423
87	Lofoten Seafood Export AS	8188
88	Lorentz A. Lossius AS	8189
89	Ma-vo Norge AS	8190
90	Marex AS	8326
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
95	Melands Røkeri Eftf. AS	8199
96	Memo Food AS	8200
97	Midtco AS	8201
98	Midsundfisk AS	8202
99	Myre Sjømat AS	8203
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
106	Niscan Corporation AS	8212
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
109	Nor-Trade International	8215
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
117	NorMan Trading Ltd AS	8230
118	Nornir Group AS	8231
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309

UT No	Company name	Taric additional code
124	Norway Royal Salmon AS	8312
125	Norway Seafarms AS	8313
126	Norway Seafoods ASA	8314
128	Norwell AS	8316
129	Notfisk Arctic AS	8234
130	Nova Sea AS	8235
131	NTC Norwegian Taste Company AS	8236
133	Oddvin Bjørge AS	8238
134	Ok-Fish Kvalheim AS	8239
136	Oster Sea Products AS	8241
137	Pan Fish Sales AS	8242
138	Pero Food AS	8243
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
143	Roger AS	8253
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Saga Lax Nord A/S	8259
149	Salomega AS	8260
150	Sandanger AS	8261
151	Sangoltgruppa AS	8262
152	Scan-Mar AS	8263
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
159	Seacom Nord AS	8270
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
163	Sigerfjord-Fisk AS	8274
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276

UT No	Company name	Taric additional code
166	Skarpsno Mat	8277
167	SL Fjordgruppen AS	8278
168	SMP Marine Produkter AS	8279
169	Sotra Fiskeindustri AS	8280
171	Stavanger Røkeri AS	8282
172	Stjernelaks AS	8283
173	Stokfish Norway AS	8284
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
177	Svenodak AS	8288
178	Terra Seafood AS	8289
179	Thorleif E. Ellingsen AS	8293
180	Timar Seafood AS	8294
181	Toget International AS	8297
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
186	Vest Agentur AS	8320
187	Vie de France Norway AS	8321
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Food AS	8102

COMMISSION REGULATION (EC) No 652/98

of 23 March 1998

amending Regulation (EC) No 445/98 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to their processing in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas Commission Regulation (EC) No 445/98 of 25 February 1998 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to their processing in the Community ⁽³⁾ provides for a sale of intervention stocks held by various Member States; whereas that sale should be extended to include part of the intervention stocks in Sweden and the Netherlands; whereas Regulation (EC) No 445/98 should be amended accordingly;

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

Regulation (EC) No 445/98 is hereby amended as follows:

1. The following indent is added to the first subparagraph of Article 1(1):

- ‘— 5 tonnes of bone-in forequarters held by the Swedish intervention agency,
- 34 tonnes of bone-in forequarters held by the Dutch intervention agency.’

2. Point (a) of Annex I is replaced by the following:

- ‘(a) Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non dissosate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben

DEUTSCHLAND	— Vorderviertel	3 000	1 000
DANMARK	— Forfjerdinger (A)	450	1 000
ITALIA	— Quarti anteriori	3 000	1 000
IRELAND	— Forequarters	400	1 000
FRANCE	— Quartiers avant	2 000	1 000
ÖSTERREICH	— Vorderviertel	1 000	1 000
PORTUGAL	— Quartos dianteiros	400	1 000
ESPAÑA	— Cuartos delanteros	2 000	1 000
SVERIGE	— Framkvartspart	5	1 000
NEDERLAND	— Voorvoeten	34	1 000’

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 56, 26. 2. 1998, p. 15.

3. The following is added to Annex II:

‘SVERIGE

Statens jordbruksverk — Swedish Board of Agriculture
Vallgatan 8
S-551 82 Jönköping
Tel.: (46-36) 15 50 00; telex 70991 SJV-S; fax (46-36) 19 05 46

NEDERLAND

Ministerie van Landbouw, Natuurbeheer en Visserij,
Voedselvoorzieningsin- en verkoopbureau
p/a Laser, Zuidoost
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Tel.: (31-475) 35 54 44; telex 56396 VIBNL; fax (31-475) 31 89 39’

Article 2

This Regulation shall enter into force on the seventh 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, 23 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 653/98**of 23 March 1998****fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 516/98**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 516/98 ⁽³⁾;

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 516/98 for which the time limit for the submission of tenders was 9 March 1998 are as set out in the Annex hereto.

Article 2

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

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

Done at Brussels, 23 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 65, 5. 3. 1998, p. 16.

⁽⁴⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ L 248, 14. 10. 1995, p. 39.

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

Estado miembro	Productos	Precio mínimo expresado en ecus por tonelada
Medlemsstat	Produkter	Mindestepriser i ECU/ton
Mitgliedstaat	Erzeugnisse	Mindestpreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε Ecu ανά τόνο
Member State	Products	Minimum prices expressed in ECU per tonne
État membre	Produits	Prix minimaux exprimés en écus par tonne
Stato membro	Prodotti	Prezzi minimi espressi in ecu per tonnellata
Lidstaat	Producten	Minimumprijzen uitgedrukt in ecu per ton
Estado-membro	Produtos	Preço mínimo expresso em ecus por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat ecuina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i ecu per ton

**Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα —
Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso —
Luullinen naudanliha — Kött med ben**

a) DEUTSCHLAND	— Vorderviertel	910
	— Hinterviertel	1 130
DANMARK	— Bagfjerdinger	1 151
ITALIA	— Quarti anteriori	—
	— Quarti posteriori	—
FRANCE	— Quartiers avant	—
	— Quartiers arrière	—
BELGIQUE	— Quartiers arrière/Achtersvoeten	—
ÖSTERREICH	— Vorderviertel	—
	— Hinterviertel	—
NEDERLAND	— Achtersvoeten	—
ESPAÑA	— Cuartos delanteros	—
	— Cuartos traseros	—
b) DEUTSCHLAND	— Kompensierte Viertel	1 041
FRANCE	— Quartiers compensés	1 121
ESPAÑA	— Cuartos compensados	—
ITALIA	— Quarti compensati	—

**Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα —
Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne
desossada — Luuton naudanliha — Benfritt kött**

c) IRELAND	— shank (code INT 11)	—
	— thick flank (code INT 12)	1 592
	— topside (code INT 13)	—
	— silverside (code INT 14)	—
	— rump (code INT 16)	—
	— striploin (code INT 17)	—
	— flank (code INT 18)	—
	— fore rib (code INT 19)	—
	— shin (code INT 21)	—
	— shoulder (code INT 22)	—
	— brisket (code INT 23)	—
	— forequarter (code INT 24)	—

COMMISSION REGULATION (EC) No 654/98
of 23 March 1998
fixing the agricultural conversion rates

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 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 589/98 ⁽³⁾, as amended by Regulation (EC) No 600/98 ⁽⁴⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁵⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁶⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 14 to 23 March 1998, it is necessary to fix a new agricultural conversion rate for the Danish krona, the

Greek drachma, the Portuguese escudo, the Dutch guilder and the Spanish peseta;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (2) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

The amended Regulation (EC) No 589/98 is hereby repealed.

Article 4

This Regulation shall enter into force on 24 March 1998.

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

Done at Brussels, 23 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 77, 14. 3. 1998, p. 26.

⁽⁴⁾ OJ L 79, 17. 3. 1998, p. 19.

⁽⁵⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,55234	Danish kroner
	1,98243	German marks
	349,703	Greek drachmas
	202,764	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23286	Dutch guilders
	0,796521	Irish punt
1 973,93		Italian lire
	13,9485	Austrian schillings
	167,997	Spanish pesetas
	8,79309	Swedish kroner
	0,695735	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,26187	Danish kroner		7,86702	Danish kroner
	1,90618	German marks		2,06503	German marks
	336,253	Greek drachmas		364,274	Greek drachmas
	194,965	Portuguese escudos		211,213	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14698	Dutch guilders		2,32590	Dutch guilders
	0,765886	Irish punt		0,829709	Irish punt
1 898,01		Italian lire	2 056,18		Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	161,536	Spanish pesetas		174,997	Spanish pesetas
	8,45489	Swedish kroner		9,15947	Swedish kroner
	0,668976	Pound sterling		0,724724	Pound sterling

COMMISSION REGULATION (EC) No 655/98
of 23 March 1998
on issuing A2 export licences for fruit and vegetables

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 213/98 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas Commission Regulation (EC) No 520/98 ⁽³⁾ sets the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid;

Whereas, for oranges, tomatoes, lemons and apples, in view of the economic situation in the various destination groups indicated in the Annex to Regulation (EC) No 520/98 and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates; whereas the percentages for the issuing of licences for the quantities applied for should also be set; whereas the definitive rates may not be more than double the indicative rates;

Whereas, pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the corre-

sponding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

Article 1

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 520/98, the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 24 March 1998.

2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.

3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

Article 2

This Regulation shall enter into force on 24 March 1998.

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

Done at Brussels, 23 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 22, 29. 1. 1998, p. 8.

⁽³⁾ OJ L 66, 6. 3. 1998, p. 8.

ANNEX

Product	Destination or group of destinations ⁽¹⁾	Definitive refund rates (ECU/tonne net)	Percentages for the issuing of licences
Tomatoes	F	20	100 %
Oranges	XYC	30	95 %
Lemons	F	40	100 %
Apples	X	24	100 %
	Y	6	67 %

⁽¹⁾ The destination codes are defined as follows:

X: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

Y: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

Z: African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

C: Switzerland, Czech Republic, Slovakia.

D: Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

E: All destinations except Switzerland.

F: All destinations.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 1/98 OF THE ASSOCIATION COUNCIL,
association between the European Communities and their Member States, of the
one part, and the Slovak Republic, of the other part,
of 3 March 1998
adopting the terms and conditions for the participation of the Slovak Republic
in Community programmes in the fields of training, youth and education**

(98/233/EC)

THE ASSOCIATION COUNCIL,

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

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

The Slovak Republic shall participate in the European Community programmes Leonardo da Vinci, Youth for

Europe and Socrates according to the attached terms and conditions which shall form an integral part of this Decision.

Article 2

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

Article 3

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

Done at Brussels, 3 March 1998.

For the Association Council

The Chairman

Z. KRAMPLOVÁ

⁽¹⁾ OJ L 359, 31. 12. 1994, p. 2.

⁽²⁾ OJ L 115, 9. 5. 1996, p. 43.

*ANNEX I***Terms and conditions for the participation of the Slovak Republic in the Leonardo da Vinci, Youth for Europe and Socrates programmes**

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

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

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

ANNEX II

Financial contribution of the Slovak Republic to Leonardo da Vinci, Socrates and Youth for Europe

1. The financial contribution of the Slovak Republic will cover:
 - subsidies or any other financial support from the programmes to Slovak participants,
 - the financial support from the programmes to the functioning of the national agencies, where applicable,
 - supplementary administrative costs related to the management of the programmes by the Commission of the European Communities stemming from the Slovak Republic's participation.
2. For every budget year, the aggregated amount of subsidies or any other financial support received from the programmes by the Slovak beneficiaries and by the national agencies of the Slovak Republic will not exceed the contribution paid by the Slovak Republic, after deduction of the supplementary administrative costs.

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

3. LEONARDO DA VINCI

The Slovak Republic's annual contribution will be ECU 2 140 000 from 1997. From this sum, an amount of ECU 140 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from the Slovak Republic's participation.

4. SOCRATES

The Slovak Republic's contribution will be:

- ECU 940 000 in 1997 for its participation in Chapter II (School education, Comenius) and Chapter III (horizontal measures). From this sum, an amount of ECU 60 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from the Slovak Republic's participation,
- ECU 2 140 000 in 1998 and in 1999, for its participation in the entire Socrates programme, including Chapter I (Erasmus). From this sum, an amount of ECU 140 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from the Slovak Republic's participation.

5. YOUTH FOR EUROPE

The Slovak Republic's annual contribution will be:

- ECU 270 000 in 1997 for participating in actions AI and BI,
- ECU 464 000 in 1998 and ECU 702 000 in 1999 for participating in all the actions of the programme, except Action D.

From these sums, a yearly amount of ECU 40 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from the Slovak Republic's participation.

6. The financial regulation applicable to the general budget of the Community shall apply, notably to the management of the contribution of the Slovak Republic.

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

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

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

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

7. The Slovak Republic shall pay the supplementary administrative costs referred to in paragraphs 3, 4 and 5 from its national budget.
8. The Slovak Republic shall pay 50 % of the remaining costs of its participation in the programmes from its national budget.

Subject to regular PHARE programming procedures, the remaining 50 % will be paid from the Slovak Republic's annual PHARE national indicative programmes.

COMMISSION

COMMISSION DECISION

of 15 July 1997

concerning financial aid granted to Lloyd Triestino Società di Navigazione SpA and Italia di Navigazione SpA

(Only the Italian text is authentic)

(Text with EEA relevance)

(98/234/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having regard to the Agreement establishing the European Economic Area, and in particular point (a) of Article 62(1) thereof,

Having, in accordance with the provisions of the above-mentioned Articles, given notice to the parties concerned to submit their comments and having regard to those comments,

Whereas:

On 16 February 1994 (by letter registered under reference SG (94) A/3082 on 24 February), the Permanent Representation of Italy notified the Secretariat-General of the Commission of a new Decree Law ('DL')⁽¹⁾ No 22/94⁽²⁾, which concerned urgent measures for different sectors of the Italian economy. This DL included a proposal to grant financial support to the maritime sector, specifically in the form of a capital injection into Lloyd Triestino

Società di Navigazione SpA (hereinafter referred to as 'Lloyd') and Italia SpA di Navigazione (hereinafter: 'Italia'), the two international liner shipping companies within the Finmare group⁽³⁾, as part of an overall restructuring plan. This Decree Law was subsequently replaced by Law 204/95, which remains in force. It is this recapitalisation which is the subject of this consultation and proposal for a Commission decision.

In view of the publication of DL 22/94 in the *Gazzetta Ufficiale della Repubblica Italiana* on 15 January 1994 and its consequent entry into force, the recapitalisation plan was registered by the Secretariat-General as a non-notified aid scheme.

On 27 July 1994, the Commission decided to initiate the Article 93(2) procedure⁽⁴⁾, considering that there were, at that stage, doubts about the compatibility of the proposed financial support with the Treaty. In response, comments were received from the Italian shipowner's association (Confederazione Italiana Armatori or 'Confitarma'⁽⁵⁾), the United Kingdom authorities and lawyers representing a competitor of Lloyd.

The Italian authorities submitted their comments and further information by letters of 13 October and 24 November 1994. Regular exchanges of correspondence took place during 1995, as the Finmare restructuring plan took shape, and the final information required for the

⁽¹⁾ Under the Italian Constitution (Article 77), in cases of extraordinary need or emergency, the government may adopt provisional measures which have the force of law. These Decree-Laws ('DLs') come into effect automatically following their publication in the Italian State *Gazzetta Ufficiale* (Official Journal) and remain in force for up to 60 days. DLs must be presented by the government to the Parliament for enactment and lose their validity if, after 60 days of their publication in the *Gazzetta Ufficiale*, they have not been enacted. In many instances, DLs have been replaced on expiry by successive new DLs, although some provisions may be amended, and measures can remain in force without enactment for months or even years. However, the Constitutional Court in Italy ruled in 1996 that DLs can no longer be renewed after 60 days as this undermines the principle that DLs are only justified in cases of urgency.

⁽²⁾ DL 22/94 of 13 January 1994, published in the *Gazzetta Ufficiale della Repubblica Italiana* No 11 of 15 January 1994.

⁽³⁾ Finmare is a State-controlled holding company which directly controls 12 shipping companies operating in different sectors, including international liner (container) services (Italia and Lloyd), local and Mediterranean coastal navigation and cabotage. Finmare handles 45 % of Italy's bulk cargo, 9 % of container transport, 18 % of coastal freight and 65 % of passenger traffic through Italian ports (IRI group 1992 to 1993 yearbook).

⁽⁴⁾ OJ C 333, 29. 11. 1994, p. 6.

⁽⁵⁾ Confitarma represents 83 % of the private shipowners in Italy.

Commission to take a decision was transmitted by the Italian authorities on 15 May 1997. There were also numerous bilateral meetings, both in Brussels and Rome, of which the last took place on 17 April 1996.

DESCRIPTION OF THE MEASURES

The proposal is for a capital injection of ITL 60 000 million (ECU 31 million), payable in 1996. Lloyd will receive ITL 40 000 million and Italia ITL 20 million. The Italian authorities have confirmed that this financial support has not been paid to Lloyd or Italia, which are undercapitalised, in advance of the Commission's decision.

The proposal to grant State support to recapitalise Lloyd and Italia is part of the final stage of the restructuring of the Italian public fleet. The principal aim of the present capital injection is to give Lloyd and Italia a viable financial footing and support their adaptation to normal market conditions in the run-up to privatisation, scheduled for early 1997.

The Italian State has emphasized that, without the capital injection, the companies, which are significant employers, would be too weak financially to be privatised. The Italian Government, therefore, wishes to complete the current restructuring process as planned and to allow privatisation.

The planned privatisation is progressing: Finmare commissioned Citibank to identify possible buyers and wide publicity was given to the initial request for expressions of potential interest. As a result, a number of leading Italian and foreign shipping companies have indicated an interest as possible buyers. The Italian Government has prepared *ad hoc* draft legislation, as required by Italian law, to allow the sale to go ahead as soon as the Commission has taken a decision on the capital injection.

BACKGROUND

Since the 1970s, the Finmare group has found itself in grave financial difficulty, which prompted the Italian authorities to propose the restructuring of the group. The second phase of restructuring, developed within the Law of 5 December 1986, established the division of the group

into a number of sectors of activity. Of these the liner (container) division will be the first to be privatised.

Despite this, Lloyd and Italia continued to register losses: the consolidated accounts for 1991 showed combined losses of ITL 53 000 million (ECU 27 million). To cover these losses, both companies have released financial resources through the sale of assets, as part of the recent restructuring process. In addition, over the years, the companies have been in receipt of aid, provided under framework Law 234/89, which had been notified to the Commission. The Commission has verified that the aid granted falls under the aid regime established by framework Law 234/89 (approved by the Commission⁽¹⁾) and that the aid adheres to the conditions under which the scheme was approved. Consequently, this aid constitutes existing aid. Over the last years, both companies have operated at roughly break-even levels.

However, around 1991, IRI⁽²⁾, the parent holding company of Finmare, began to have doubts about the strategic importance of the companies and the abilities of the public holding companies to manage their affairs. From spring 1992, the Finmare group has, therefore, spent considerable time and effort in developing and implementing a restructuring plan.

In January 1994, an outline restructuring plan for the group was presented to the government. This provided for:

- rapid privatisation of the bulk transport sector,
- take-over by the State railway of the companies providing transport links with islands, and
- a merger of the two companies in the international liner sector.

However, the proposal finally reached is not to merge Lloyd and Italia but to privatise them separately. In addition, certain activities and assets have been transferred or sold prior to mergers between companies to improve companies' financial balances within the Finmare group.

While the detailed plan for the final stage of restructuring the group was being developed, the government issued Decree Law (No 22) of 13 January 1994. This provided that: 'in order to improve the financial health and allow a profitable privatisation of the Finmare group, subject to the approval of the Ministers of Transport and Navigation and of the Treasury, of an appropriate restructuring plan presented by Finmare, the Treasury is authorised to provide recapitalisation, for the companies operating in maritime transport in international cargo trade'.

In September 1995, the Government presented the final restructuring plan for the Finmare group, aiming for the financial consolidation of the companies before their privatisation. After discussions with the responsible committees of the Chamber of Deputies and the Senate, the plan was definitively approved and transmitted to the Commission in January 1996.

⁽¹⁾ OJ C 239, 25. 9. 1990, p. 10.

⁽²⁾ IRI (Istituto per la Ricostruzione Industriale) is a public body created in 1933 to coordinate and support, through financial subholdings, economic activities considered to be of national interest (e.g. RAI, Alitalia, Stet, Fincantieri, Finmare).

As was mentioned above, a number of mergers, transfers and asset sales took place within the Finmare group after July 1996. Of these, the only ones which affected the two companies in question were;

- Sidermar, a coastal shipping company, wholly owned by Finmare, ceased its operations in September 1995, following the sale of its fleet of 14 vessels to private operators. The remaining assets and liabilities were then transferred to Lloyd through a merger on 1 September 1996, resulting in an increase in Lloyd's assets of some ITL 50 000 million (ECU 25 million),
- similarly, two ships owned by Viamare, another company within the Finmare group, were sold to Tirrenia, the principal Western Italian cabotage operator in the Finmare group; the remaining Viamare ship was sold to a Greek company. Viamare subsequently ceased operations; the remaining assets and liabilities were transferred to Italia through a merger. The debts of Viamare were settled and Italia thereby obtained assets worth ITL 16 000 million (ECU 8 million).

These arrangements have affected the overall financial picture for Lloyd and Italia, the asset bases of both companies having been increased. As these transactions constituted an international arrangement within the Finmare group, the Italian authorities did not consider them to amount to state aid within the meaning of Articles 92 and 93 of the EC Treaty.

However, the benefits accruing to Lloyd and Italia as a result of the restructuring clearly represent a financial advantage which could constitute State aid. The Commission has accordingly taken these amounts into account in assessing the financial assistance granted to these companies.

OPENING OF THE PROCEDURE (27 JULY 1994)

By decision of 27 July 1994, the Commission decided to open the procedure under Article 92(3) of the Treaty, since the proposed capital injection could not at that stage be justified as being of common European interest.

One Member State and two interested parties presented their observations on the capital injection proposed for Lloyd and Italia in pursuance of the Article 93(2) procedure.

(i) The United Kingdom Government

The UK Government welcomed the decision to open the procedure, considering generally that State aid should not be granted when it may distort competition between

Community shipowners to such an extent as to be contrary to the interests of economic operators and consumers. It particularly noted that there were numerous Community shipping companies in the liner market and that the granting of financial support to the two Italian companies could prejudice the commercial development of more efficient companies⁽¹⁾.

Further, the UK Government stated that financial support for restructuring could not be approved by the Commission, as there were no details of the restructuring process, nor was there any evidence of progress towards re-establishing financial stability; the scope of the privatisation was not clear and there might be doubts about the effects of the privatisation, which could result in further costs of liquidation at a future date. The free-market investor principle did not apply as the alternative effects of different strategies had not been quantified.

On the other hand, the UK Government looked favourably on the Italian authorities' intention to privatise the two companies and recognised that the proposed capital injection could be approved if privatisation guaranteed a return to economic viability in accordance with a fully documented, scheduled and realistic action plan. This might benefit the Community by promoting competition and bringing subsidies to the two companies to an end, while avoiding the potential repercussions of liquidation. The UK Government proposed that the financial support measure and the action plan should be subject to verification and should be monitored by the Commission throughout the period of return to financial stability. The UK also considered that Member States and interested parties should have access to this material and should have the opportunity to make comments.

(ii) A competitor of Lloyd

A competitor of Lloyd stated that Lloyd had abused its dominant position on routes from Italy to the Mediterranean countries and to South Africa, increasing its tonnage and charging below cost as well as by signing binding contracts with shippers. The Commission has not found any evidence to substantiate this assertion.

(iii) Confitarma

Confitarma repeatedly brought the proposed financial support measures to the Commission's attention by providing copies of new decree laws and indicating the sections relating to such support. Generally, they have expressed concern that financial assistance to support the public liner fleet, and the recapitalisation in particular, could be distortive of competition, damaging the

⁽¹⁾ Routes served are: Lloyd — Africa, Asia and Oceania; Italia — North and South America. There is full freedom to provide services for any operator on these routes and competition is fierce.

development of normal commercial strategies. This viewpoint has been endorsed by the competition and trade authority of Italy, in a decision issued on 26 January 1993 to the Italian authorities.

(iv) The response of the Italian authorities

The Italian authorities provided specific details (commercially confidential) on the development of Lloyd and Italia during the period of restructuring; these showed considerable improvements in productivity, with increases in the number of containers carried despite reductions in the number of personnel and ships operated. The companies have adopted a new commercial strategy based on cooperation with other operators, slot charters, etc. Furthermore, the companies' debts have been reduced, income has increased and the companies are both now operating in a healthier financial environment. However, despite these improvements, in particular in the field of productivity and reduced operating costs, an additional capital injection is still necessary in order for the currently under capitalised companies to become financially sound and capable of privatisation.

The Commission also requested further details on the financial position of Lloyd and Italia which the Italian authorities provided at meetings in Brussels on 12 November 1996 and 17 April 1997 and in subsequent correspondence.

In the opinion of the Italian authorities the sums proposed or granted to the two companies were no more than those which a reasonable owner would invest in his companies which he intended to divest himself of. In any event, they maintained, the proceeds of any privatisation sale would exceed any amounts invested in the companies by their owner to prepare them for the privatisation. The Commission requested proof of this assertion, which the Italian authorities undertook to provide.

VALUATION OF THE COMPANIES

An internationally reputed independent consultant was engaged to carry out a detailed valuation of the companies.

The consultant used two methods to determine the value of the companies. The main method used was the discounted cash flows (DCF) method, which is based on the assumption that the value of the company depends on the operating cash flows expected to be generated in the future.

A second, control, method was also utilised, namely the excess earnings (EE) method, which is based on the assumption that the value of the company depends both

on the value of its assets and on the company's expected profitability.

The DCF method used by the consultant is widely recognised as the most appropriate method for the objective valuation of companies. In order to be able to rely on such a method a certain level of information about the company's past and future performance is required. In the present case, the information utilised was the following:

- preliminary 1996 financial reports for Lloyd and Italia,
- the audited financial reports for Lloyd and Italia for 1992, 1993, 1994 and 1995,
- extracts from the 1997 financial reports for Lloyd and Italia,
- the financial plans for Lloyd and Italia for the years 1997 to 1999.

Since 1992 Lloyd has sought to improve its financial performance, initially by consolidating some of its services which resulted in a sharp overall reduction in capacity and a lowering of net losses and latterly through the device of extensive cooperation with partners. The company has moved towards chartering-out its vessels to partners and has then chartered-in a fixed number of slots. These changes have led to an overall increase in the company's operations and revenues (up from ITL 291 600 million in 1992 to ITL 666 300 million in 1996) and a decrease in operating costs. Since 1992 Lloyd has reduced its net annual loss from ITL 29 300 million in 1992 to ITL 1 400 million in 1996.

Italia's performance has also improved in recent years as a result principally of its commitment to a number of specific routes, its revenues have increased from ITL 186 900 million in 1992 to ITL 329 900 million in 1996. The company still, however, remains vulnerable to the increased competition and capacity available in the world market and is seriously undercapitalised. Italia has reduced its net loss from ITL 18 700 million 1992 to a break-even point in 1996.

As is normal practice, a 'control method' was used; the usual control method would be the 'comparables method', in which the main financial figures of similar companies traded on the financial markets or the subject of recent merger/acquisition transactions would be used to reach a value for the company. However, given the absence of a sufficient number of comparable listed companies and merger/acquisition activity this method was not used. The EE (excess earnings) method was utilised instead.

By utilising the methods listed above, a range of values for the companies was reached. This range of values takes into account a number of variables, and by so doing and by utilising a number of techniques, the consultant therefore submits that a realistic range of values for the companies has been reached. The figures in question cannot be revealed for reasons of commercial confidentiality, as this would have an impact on the sale price of the companies.

All the values given, including those at the lower end of the range, were substantially above the total amount of the financial assistance given to the companies, for each company. Hence, even according to the lowest valuation made of the value of the companies, the expected sales price will exceed the proposed capital injection of ITL 60 000 million (ECU 31 million), plus the value of the assets transferred as a consequence of the restructuring of the Finmare group (liquidation of Sidermar and Viamare) amounting to ITL 66 000 million (ECU 33 million).

LEGAL APPRAISAL

According to Article 92(1) of the EC Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between member States, be incompatible with the common market.

As is stated in Article 222 of the EC Treaty, Community law is neutral with respect to the private or public ownership of undertakings. Accordingly, financial support which facilitates the privatisation of State-owned undertakings may not as such benefit from a derogation from the basic principle of incompatibility of State aid with the common market laid down in Article 92(1).

However, when a privatisation is effected by the sale of shares on the stock exchange it is generally assumed to be on market conditions and not to involve aid.

If the company is privatised not by stock-exchange flotation but by trade sale (sale of the company as a whole, or in parts, to other companies) a number of conditions, as set out by the Commission in its XXIIIrd Annual competition report (1993)⁽¹⁾ must be followed:

- a competitive tender must be held which is open to all comers, transparent and not conditional on the performance of other acts such as the acquisition of assets other than those bid for or the continued operation of certain businesses,

- the company must be sold to the highest bidder, and
- bidders must be given enough time and information to carry out a proper valuation of the assets as the basis for their bid.

If the above conditions are followed it can be assumed, without further examination, that no aid is involved.

Before flotation, debt may be written off or reduced, without this giving rise to the presumption of aid, as long as the proceeds of the flotation (or trade sale) exceed the reduction in debt.

In the present case even the lowest valuation of the range of values reached for the expected sale value of the two companies in question exceeds the amount of the proposed capital injection of ITL 60 000 million, plus the value of the assets transferred as a consequence of the restructuring of the Finmare group (liquidation of Sidermar and Viamare) amounting to ITL 66 000 million (ECU 33 million) by a substantial amount.

Moreover, the financial assistance which is the subject of the present consultation should, as an investment and according to general financial theory, entail a premium for risk and the time between investment and return should also be considered. In this context, it should be noted that the range of sales values is in the order of 20 to 25 % and that the lowest value has been chosen as the basis of the assessment. The risk-premium is thereby taken into account. As to the question of timing, the time lapse between the payment of funds and the sale is expected to be short (the sale is planned around the end of 1997), so that the lowest of the expected sales valuations will exceed any possible interest yield which might accrue if the sums invested in the companies were placed on deposit with a bank for the same duration.

Therefore, for the reasons set out above, the financial support may be considered not to constitute State aid.

CONCLUSIONS

In conclusion, the capital injection of ITL 60 000 million (ECU 31 million) as envisaged in the notification, together with the financial assistance derived from the group restructuring of Finmare, has put the two companies in a position where they can now realistically be privatised. The independent consultants have also indicated that both companies are now in a position where they can be expected to operate profitably. The Italian authorities have agreed that no further aid will be given to either of those companies in connection with this privatisation.

⁽¹⁾ XXIIIrd competition report, points 402-403.

The Italian authorities have undertaken to proceed speedily with the privatisation of Lloyd and Italia and in a transparent manner by way of a competitive tender and have confirmed, by an undertaking received on 4 July 1997, the following time-plan:

- an independent consultant has recently been appointed to advise the government on the preparation of the privatisation,
- finalization of these preparations by the end of October 1997 at the latest,
- publication of the tender notice by the end of November 1997 at the latest,
- time limit for submitting bids by the end of December 1997 at the latest.

The Italian Government further confirmed its intention to complete the sale of the two companies within three months following the time limit for submission of bids.

In approving the scheme, the Commission has taken into account these undertakings and will monitor the implementation of the time-plan.

The Italian authorities have undertaken to provide a report, showing the results of the application of the financial support and the process of privatisation within three months of the signing of the sales contract.

It is, therefore, proposed to the Commission that no objections be raised to the financial support granted by the Italian authorities to the two companies,

HAS ADOPTED THIS REGULATION:

Article 1

The financial assistance given to Lloyd Triestino and Italia di Navigazione in the form of the capital injection of ITL 60 000 million (ECU 31 million) and the transfer of assets from the liquidated shipping lines in the

Finmare group, Sidermar and Viamare, amounting to ITL 66 000 million (ECU 33 million), (ITL 126 000 million, or ECU 64 million, in total) does not constitute State aid under Article 92(1) of the EC Treaty.

Article 2

In reaching this Decision, the Commission takes note of the following undertakings provided by the Italian authorities:

- apart from the sums as set out in Article 1, no further assistance shall be given to Lloyd or Italia for the privatisation of those two companies; the authorities shall proceed with the planned privatisation of Lloyd and Italia in a transparent manner by way of competitive tender, in accordance with the conditions in the XXIIIrd competition report as set out above,
- the Italian Government further confirmed its intention to complete the sale of two companies within three months following the time-limit for submission of bids. The tender notice shall be published for the sale of the aforementioned companies at the latest by the end of December 1997. The Italian authorities shall provide the Commission with a report showing the results of the privatisation, including the sales price, within three months of the signing of the sales contract.

Article 3

This Decision is addressed to the Republic of Italy.

Done at Brussels, 15 July 1997.

For the Commission

Neil KINNOCK

Member of the Commission

COMMISSION DECISION

of 11 March 1998

on the advisory committees dealing with matters covered by the common agricultural policy

(98/235/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Article 1

Whereas the Commission should seek the views of the economic sectors and consumers on matters arising in connection with the operation of the various common organisations of the market and other areas covered by the common agricultural policy;

Whereas all the economic sectors directly involved in the operation of the market organisations and affected by agricultural policy decisions, as well as consumers, should have an opportunity to participate in drafting the opinions requested by the Commission;

Whereas relevant economic federations and consumer groups in the Member States have set up organisations at European Union level, which are thus in a position to represent those concerned in all the Member States;

Whereas several agricultural advisory committees have been set up by various Commission decisions⁽¹⁾ since 1962;

Whereas, following the reform of the common agricultural policy in 1992, it has proved necessary to combine some committees and make provision for new ones;

Whereas a study on the operation of the advisory committees has shown that there is scope for further improvements; whereas various procedures and definitions, the allocation of seats among the groups represented and the rules for renewing the committees should therefore be adjusted;

Whereas the provisions relating to the agricultural advisory committees have been amended on several occasions and are contained in 27 different instruments; whereas they have therefore become difficult to apply and should be consolidated in a single Decision,

1. The following advisory committees are hereby set up under the auspices of the Commission:

- the Advisory Committee on the Common Agricultural Policy,
- the Advisory Committee on Arable Crops,
- the Advisory Committee on Non-Food and Textile Crops,
- the Advisory Committee on Livestock Products,
- the Advisory Committee on Fruit, Vegetables and Flowers,
- the Advisory Committee on Specialist Products,
- the Advisory Committee on Forestry and Cork,
- the Advisory Committee on Agricultural Product Health and Safety,
- the Advisory Committee on Rural Development,
- the Advisory Committee on Agriculture and the Environment.

2. The above committees may be consulted by the Commission on all matters relating to the common agricultural policy and the policy of rural development and its implementation, and in particular the common organisations of the market and the measures which the Commission is called on to take in that context.

3. The chairman of each committee may propose on his own initiative or at the request of any of the interest groups represented that the Commission consult his committee on any matter within its competence.

Article 2

The Committees shall be composed of representatives of the following socioeconomic interest groups: agricultural producers, agricultural cooperatives, the agricultural and food-manufacturing industries, the agricultural products and foodstuffs trade, farm workers and workers in the food industry, and consumers. In specific cases, representatives of other interests may be appointed. The composition of the committees shall be as set out in the Annexes hereto.

⁽¹⁾ — Commission Decisions 87/70/EEC to 87/93/EEC of 7 January 1987 (OJ L 45, 14. 2. 1987, pp. 1 to 68).

— Commission Decision 89/567/EEC of 20 October 1989 (OJ L 309, 26. 10. 1989, p. 39).

— Commission Decision 81/195/EEC of 16 March 1981 (OJ L 88, 2. 4. 1981, p. 42).

— Commission Decision 90/351/EEC of 29 June 1990 (OJ L 172, 5. 7. 1990, p. 33).

Article 3

Committees shall consist of a maximum of 40 members, depending on the size of the sector in question, apart from the Advisory Committees on the Common Agricultural Policy and on Rural Development, which shall have 60 members. The number of seats and their allocation to the various European organisations referred to in Article 4(1) shall be as set out for each committee in the Annexes hereto.

Article 4

1. Committee members shall be appointed by the Commission on proposals from the socioeconomic organisations established at Community level and listed in the Commission's register of interest groups. The socioeconomic organisations must be those that are most representative of the interests specified in Article 2 and their activities must be connected with the common agricultural policy, common market organisation or an other field concerned.

2. At the invitation of the Commission, the socioeconomic organisations shall put forward three candidates of different nationalities for each seat to be filled. Their proposals shall take into account the various interests to be represented in their sector.

3. Committee members shall be appointed for five years. Their appointments may be renewed. Members shall not be remunerated for their services.

After expiration of the term, committee members shall remain in office until they are replaced or until their appointments are renewed. If a member resigns or dies, or if the body that proposed a member requests his or her replacement, that member shall be replaced in accordance with the procedure laid down in paragraph 1.

4. A list of committee members shall be published by the Commission in the 'C' series of the *Official Journal of the European Communities* each time members are replaced.

Article 5

1. One or more standing groups and/or working parties may be set up under the auspices of a committee. Standing groups shall consist of trade representatives or experts appointed by the Commission on a proposal from the socioeconomic organisations concerned. They shall deal with matters relating to a specific sector on a regular basis.

2. At the request of an advisory committee, the mix of socioeconomic interest groups represented on a standing group may be altered by the Commission.

3. At the request of an advisory committee, a group of experts may be set up. Such groups shall comprise experts in the field appointed by the Commission after consulting the socioeconomic organisations concerned.

4. Any member of a group unable to attend a meeting may be replaced. The socioeconomic organisation which that member represents may propose a replacement to the secretariat of the group.

Article 6

1. After consulting the Commission, each committee shall elect a chairman from among its members. The chairman shall be elected, in the case of the first ballot, by a two-thirds majority of the members present and, in the case of subsequent ballots, by a simple majority of the members present. In the event of a tie, the Commission shall provide a chairman on a temporary basis.

The committee may provide for a change of chairmanship after half the term of office has elapsed.

2. Each committee shall elect two vice-chairmen. The vice-chairmen shall be chosen from among the representatives of socioeconomic organisations to which the chairman does not belong. They shall be elected in accordance with the procedure laid down in paragraph 1.

Each committee may, in accordance with the same procedure, elect an executive comprising, in addition to the chairman, a representative of each socioeconomic organisation represented on the committee.

The executive of the committee shall prepare and organise its work. One officer (the 'rapporteur') shall produce a summary record after each committee meeting.

3. Standing groups shall elect a chairman and a vice-chairman from among their members in accordance with the procedure laid down in paragraph 1. The chairman and vice-chairman may not belong to the same socioeconomic organisation. The chairmen of groups shall draw up a summary record and report on their work at the next meeting of the relevant advisory committee.

Article 7

1. Only committee members or alternate members, Commission representatives and persons invited in accordance with paragraphs 3, 4 and 6 may attend committee meetings.

2. Only members and alternate members of groups, the chairman of the relevant committee, Commission representatives and persons invited in accordance with paragraphs 4 and 6 may attend meetings of groups.

3. If a committee member is unable to attend, the organisation or organisations to which that member's seat is allocated may designate a replacement, who must be chosen from a list drawn up by mutual agreement between the Commission and the organisation or organisations in question. The list shall contain a number of names corresponding to the total of members representing the organisation or organisations in question, but not exceed ten persons.

Where a replacement is designated, the committee secretariat must be notified at least three working days before the meeting.

4. At the request of an organisation to which one or more seats on a committee or in a group are allocated, the chairman of the committee or group may, in agreement with the Commission staff, invite its general secretary to attend committee meetings as an observer.

However, if the general secretary of an organisation is unable to attend, he may assign his observer's seat to another person designated by him.

5. Observers shall not have the right to speak. They may, however, be invited to do so by the chairman in agreement with the Commission.

6. At the request of an organisation to which one or more seats are allocated, and when the matters on the agenda are of a highly technical nature, the chairman of a committee or group may, in agreement with the Commission, invite one or more experts to take part in the deliberations of the committee or group.

The Commission may, on its own initiative, invite any person suitably well qualified in one of the subjects on the agenda to take part in the deliberations of the committee or standing group as an expert. However, experts shall participate only in the discussion of the matter concerning which they are invited to attend.

Article 8

In agreement with the Commission each committee or standing group may set up working groups to facilitate its work.

Article 9

1. Each committee and group shall be convened by the Commission and shall generally meet at the Commission's main offices. Meetings of the executive shall be convened by the chairman in agreement with the Commission.

2. Representatives of the relevant Commission departments may take part in the meetings of each committee, executive and group.

3. The Commission provides secretarial services for the committee, executives and groups.

Article 10

The chairman shall inform the Commission of the items to be included on the agenda for the committee, 12 working days before the committee meets. The Commis-

sion shall send out agendas to members eight working days before the meeting, preferably by electronic means.

Article 11

1. The committees shall discuss the matters on which the Commission has requested an opinion. No vote shall be taken at the end of the discussion. When seeking an opinion of a committee, the commission may set a time limit within which the opinion shall be given.

If a committee reaches unanimous agreement on the opinion to be given, it shall formulate joint conclusions and attach them to the summary record. The Commission shall communicate the outcome of a committee's discussions to the Council if this is proposed by the committee.

2. The views expressed by socioeconomic organisations represented on a committee shall be included in a report forwarded to the Commission.

Article 12

Without prejudice to Article 214 of the Treaty, where the Commission indicates that the opinion requested or question raised involves a matter of a confidential nature, members of the committees and groups reporting to them and other participants in meetings shall be under obligation not to disclose information which has come to their knowledge through the work of the committee or group in question. In such cases only members of the committee or group referred to or their replacements and Commission representatives shall attend meetings.

Article 13

Commission Decisions 81/195/EEC, 87/70/EEC to 87/93/EEC, 89/567/EEC and 90/351/EEC are hereby repealed.

Article 14

This Decision shall apply from 1 April 1998.

Done at Brussels, 11 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***ADVISORY COMMITTEE ON THE COMMON AGRICULTURE POLICY**

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats</i> (Article 4)
Farmers	22
Agricultural cooperatives	8
Traders	8
Industry	8
Workers	5
Consumers	5
Other	4

ANNEX II

ADVISORY COMMITTEE ON ARABLE CROPS

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Farmers	17
Agricultural cooperatives	5
Traders	6
Industry	6
Workers	2
Consumers	2
Other	2

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on cereals

	<i>Seats</i>
Farmers	13
Agricultural cooperatives	6
Traders	7
Industry	6
Workers	1
Other	1

(b) Standing group on oilseeds and protein crops

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	5
Traders	6
Industry	6
Consumers	1
Other	1

(c) Standing group on dried fodder

	<i>Seats</i>
Farmers	3
Agricultural cooperatives	3
Traders	1
Industry	5

(d) Standing group on sugar

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	4
Traders	4
Industry	6
Workers	1
Consumers	1

(e) Standing group on rice

	<i>Seats</i>
Farmers	5
Agricultural cooperatives	2
Traders	4
Industry	4

(f) Standing group on starch

	<i>Seats</i>
Farmers	4
Agricultural cooperatives	2
Traders	3
Industry	6

ANNEX III

ADVISORY COMMITTEE ON NON-FOOD AND TEXTILE CROPS

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Farmers	17
Agricultural cooperatives	5
Traders	5
Industry	8
Workers	2
Consumers	2
Other	1

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on renewable energy

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	5
Traders	5
Industry	6
Consumers	1
Other	1

(b) Standing group on cotton

	<i>Seats</i>
Farmers	5
Agricultural cooperatives	3
Traders	3
Industry	4
Other	1

(c) Standing group on flax and hemp

	<i>Seats</i>
Farmers	6
Agricultural cooperatives	2
Traders	3
Industry	4

ANNEX IV

ADVISORY COMMITTEE ON LIVESTOCK PRODUCTS

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Farmers	17
Agricultural cooperatives	4
Traders	5
Industry	8
Workers	2
Consumers	2
Other	2

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on milk

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	5
Traders	5
Industry	6
Consumers	1
Workers	1

(b) Standing group on beef

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	6
Traders	5
Industry	5
Consumers	1
Other	1

(c) Standing group on sheepmeat and goatmeat

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	5
Traders	4
Industry	3
Consumers	1
Other	1

(d) Standing group on pigmeat

	<i>Seats</i>
Farmers	12
Agricultural cooperatives	6
Traders	5
Industry	6
Consumers	1
Workers	1

(e) Standing group on poultrymeat and eggs

	<i>Seats</i>
Farmers	13
Agricultural cooperatives	6
Traders	5
Industry	5
Consumers	1

ANNEX V

ADVISORY COMMITTEE ON FRUIT, VEGETABLES AND FLOWERS

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Growers	16
Agricultural cooperatives	6
Traders	7
Industry	5
Workers	2
Consumers	2
Other	2

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on fresh fruit and vegetables

	<i>Seats</i>
Growers	12
Agricultural cooperatives	6
Traders	6
Industry	5
Consumers	1
Other	2

(b) Standing group on processed fruit and vegetables

	<i>Seats</i>
Growers	8
Agricultural cooperatives	4
Traders	3
Industry	5
Other	1

(c) Standing group on cut flowers and ornamental plants

	<i>Seats</i>
Growers	7
Agricultural cooperatives	3
Traders	6
Industry	1
Other	1

ANNEX VI

ADVISORY COMMITTEE ON SPECIALIST PRODUCTS

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Farmers	17
Agricultural cooperatives	5
Traders	6
Industry	6
Workers	3
Consumers	2
Other	1

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on wine-growing

	<i>Seats</i>
Farmers	10
Agricultural cooperatives	7
Traders	5
Industry	5
Consumers	1
Other	1

(b) Standing group on spirit drinks

	<i>Seats</i>
Farmers	2
Agricultural cooperatives	2
Traders	2
Industry	5
Consumers	1

(c) Standing group on olives and derived products

	<i>Seats</i>
Farmers	9
Agricultural cooperatives	5
Traders	5
Industry	5
Consumers	1

(d) Standing group on beekeeping

	<i>Seats</i>
Beekeepers	6
Agricultural cooperatives	2
Traders	3
Industry	2
Consumers	1

(e) Standing group on hops

	<i>Seats</i>
Growers	5
Agricultural cooperatives	3
Traders	5
Industry	3

(f) Standing group on tobacco

	<i>Seats</i>
Growers	6
Agricultural cooperatives	4
Traders	4
Industry	4
Consumers	1

*ANNEX VII***ADVISORY COMMITTEE ON FORESTRY AND CORK**

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats</i> (Article 4)
Producers (farmers managing woodland, private and public woodland owners)	23
Traders	1
Industry	8
Workers	3
Consumers	1
Other	4

ANNEX VIII

ADVISORY COMMITTEE ON AGRICULTURAL PRODUCT HEALTH AND SAFETY

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats (Article 4)</i>
Farmers	12
Agricultural cooperatives	6
Traders	5
Industry	5
Workers	2
Consumers	5
Other	5

2. STANDING GROUPS AND THEIR COMPOSITION

(a) Standing group on organic farming

	<i>Seats</i>
Farmers	6
Agricultural cooperatives	2
Traders	2
Industry	2
Consumers	2
Other	3

(b) Standing group on veterinary matters

	<i>Seats</i>
Farmers	2
Agricultural cooperatives	2
Traders	2
Industry	2
Workers	2
Consumers	2
Other	2

(c) Standing group on plant health

	<i>Seats</i>
Farmers	3
Agricultural cooperatives	3
Traders	3
Industry	3
Workers	2
Consumers	2
Other	3

(d) Standing group on promotion of agricultural products

	<i>Seats</i>
Farmers	7
Agricultural cooperatives	4
Traders	5
Industry	4
Consumers	1
Other	1

(e) Standing group on animal welfare

	<i>Seats</i>
Farmers	3
Agricultural cooperatives	2
Traders	2
Industry	2
Workers	2
Consumers	2
Other	4

(f) Standing group on seed

	<i>Seats</i>
Farmers	8
Agricultural cooperatives	3
Traders	6
Industry	3
Workers	1
Consumers	1
Other	4

(g) Standing group on feedingstuffs

	<i>Seats</i>
Farmers	6
Agricultural cooperatives	4
Traders	4
Industry	4
Workers	1
Consumers	1

ANNEX IX

ADVISORY COMMITTEE ON RURAL DEVELOPMENT

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats</i> (Article 4)
Producers	22
Agricultural cooperatives	4
Traders	5
Industry	5
Workers	5
Consumers	3
Other	16

2. STANDING GROUPS AND THEIR COMPOSITION

(a) **Standing group women in rural areas**

	<i>Seats</i>
Farmers, rural family members	6
Agricultural cooperatives	1
Traders	2
Industry	1
Workers	1
Consumers	2
Other	2

ANNEX X

ADVISORY COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

1. INTERESTS REPRESENTED (Article 2)

	<i>Seats</i> (Article 4)
Farmers	14
Agricultural cooperatives	3
Traders	3
Industry	3
Workers	2
Consumers	2
Other	7

COMMISSION DECISION

of 12 March 1998

authorising the Member States to permit temporarily the marketing of seed of vetch (*Vicia sativa* L.) not satisfying the requirements of Council Directive 66/401/EEC

(98/236/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾ as last amended by the Directive 96/72/EC ⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by France,

Whereas in France the production of seed of the category 'certified seed' of vetch (*Vicia sativa* L.) satisfying the requirements of the said Directive in relation to minimum germination capacity has been insufficient in 1997 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas France should therefore be authorised to permit for a period expiring on 30 April 1998 the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States which are able to supply France with such seed not satisfying the requirements of the said Directive should be authorised to permit the marketing of such seed;

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

Article 1

France is authorised to permit, for a period expiring on 30 April 1998, the marketing in its territory of a maximum of 600 tonnes of seed of the category 'certified seed' of vetch (*Vicia sativa* L.) which do not satisfy the requirements laid down in Annex II to Directive 66/401/EEC with regard to the minimum germination capacity, provided that the germination capacity is at least 75 % of pure seed and the official label bears the endorsement 'minimum germination capacity 75 %'.

Article 2

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

Article 3

Member States shall immediately notify the Commission and the other Member States of the various quantities of seed labelled and permitted to be marketed in their territory pursuant to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ L 304, 27. 11. 1996, p. 10.