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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 779/98**of 7 April 1998****on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products establishes the system of preferences applicable to imports into the Community of agricultural products originating in Turkey; whereas provision should be made to allow the Commission to adopt special detailed rules for the application of that new import regime, without prejudice to Articles 6 and 7 of 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, West Bank and Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas⁽¹⁾;

Whereas, in the case of products for which Community regulations require a certain import price to be observed, application of the preferential tariff system is subject to observance of that price;

Whereas Regulation (EEC) No 4115/86⁽²⁾ lays down the arrangements applicable to imports into the Community of agricultural products originating in Turkey on the basis of Decision No 1/80 of the EC-Turkey Association Council; whereas the provisions on agriculture of that Decision were repealed by Decision No 1/98 of the EC-Turkey Association Council; whereas, as a result, Regulation (EEC) No 4115/86 should be repealed;

Whereas the tariff concessions for the three products originating in Turkey laid down in Council Regulation (EC) No 3010/95 of 18 December 1995 totally or partially

suspending the customs duties applicable to certain products falling within Chapters 1 to 24 and Chapter 27 of the Combined Nomenclature originating in Malta and Turkey⁽³⁾, should also be abolished;

Whereas the Decision of the Association Council applies from 1 January 1998; whereas, in view of the urgency, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

Article 1

For the products listed in Annex II to the EC Treaty originating in Turkey and allowed for importation into the Community under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council, detailed rules for the application of the import regime shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽⁴⁾ or, where applicable, in the corresponding Articles of the other regulations on the common organisation of agricultural markets, without prejudice to Articles 6 and 7 of Regulation (EC) No 1981/94.

Article 2

In the case of products for which Community regulations require a certain import price to be observed, application of the preferential tariff system shall be subject to observance of that price.

⁽¹⁾ OJ L 199, 2. 8. 1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 1667/97 (OJ L 236, 27. 8. 1997, p. 3).

⁽²⁾ OJ L 380, 31. 12. 1986, p. 16. Regulation as amended by Regulation (EC) No 1620/97 (OJ L 224, 14. 8. 1997, p. 1).

⁽³⁾ OJ L 314, 28. 12. 1995, p. 1. Regulation as amended by Regulation (EC) No 540/96 (OJ L 79, 29. 3. 1996, p. 8).

⁽⁴⁾ OJ 172, 30. 9. 1996, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16. 8. 1996, p. 11).

In the case of fishery products for which a reference price is set, application of the preferential tariff shall be subject to observance of that price.

Article 3

Regulation (EEC) No 4115/86 is hereby repealed.

Article 4

Regulation (EC) No 3010/95 is hereby amended as follows:

1. the title shall be replaced by the following:

‘Council Regulation (EC) No 3010/95 of 18 December 1995 totally or partially suspending the customs duties applicable to certain products falling within Chapters 1 to 24 of the Combined Nomenclature originating in Malta’.

2. Articles 1 and 2 shall be replaced by the following:

Article 1

Imports into the Community of the products originating in Malta listed in the Annex to this Regulation

shall be subject to the customs duties indicated for each product.

Article 2

For the purposes of applying this Regulation, the rules of origin shall be those in force at any given time for the purposes of the Agreement establishing an association between the European Economic Community and Malta.’

3. Annex I concerning the list of products falling within Chapters 1 to 24 originating in Malta shall be entitled ‘Annex’.

4. Annex II concerning the list of products falling within Chapters 1 to 24 originating in Turkey shall be repealed.

Article 5

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 Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

COUNCIL REGULATION (EC) No 780/98**of 7 April 1998****amending Regulation (EC) No 1488/96 as regards the procedure for adopting the appropriate measures where an essential element for the continuation of support measures for a Mediterranean Partner is lacking**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Article 3 of Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership ⁽³⁾ provides that the said Regulation is based on the respect for democratic principles and the rule of law and also for human rights and fundamental freedoms, which constitute an essential element thereof, the violation of which element will justify the adoption of appropriate measures;

Whereas Article 16 of Regulation (EC) No 1488/96 provides that the definitive procedure for adopting the appropriate measures where an essential element for the continuation of support measures to a Mediterranean partner is lacking is to be determined by 30 June 1997;

Whereas it is therefore necessary to amend Regulation (EC) No 1488/96 to determine such a procedure;

Whereas the Treaty has not provided, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

Article 16 of Regulation (EC) No 1488/96 shall be replaced by the following:

'Article 16

When an essential element for the continuation of support measures to a Mediterranean partner is missing, the Council may, acting by a qualified majority on a proposal from the Commission, decide upon appropriate measures.'

Article 2

This Regulation shall enter into force on the third day following that 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 Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

⁽¹⁾ OJ C 386, 20. 12. 1997, p. 9.

⁽²⁾ OJ C 104, 6. 4. 1998.

⁽³⁾ OJ L 189, 30. 7. 1996, p. 1.

COUNCIL REGULATION (EC, ECSC, EURATOM) No 781/98
of 7 April 1998
amending the Staff Regulations of Officials and Conditions of Employment of
Other Servants of the European Communities in respect of equal treatment

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Court of Justice ⁽³⁾,

Having regard to the opinion of the Court of Auditors ⁽⁴⁾,

Whereas the principle of equal treatment should be included among the basic tenets set out in the Staff Regulations and conditions of employment applying to the Community's public service, and not only in the matter of recruitment;

Whereas the institutions should be asked to determine, by agreement, positive actions to promote equal opportunities for men and women in the areas covered by the Staff Regulations and the conditions of employment of other servants,

HAS ADOPTED THIS REGULATION:

Article 1

The Staff Regulations of officials of the European Communities are hereby amended as follows:

1. The following Article shall be inserted after Article 1:

'Article 1a

1. Officials shall be entitled to equal treatment under these Staff Regulations without reference, direct or indirect, to race, political, philosophical or religious beliefs, sex or sexual orientation, without prejudice to the relevant provisions requiring a specific marital status.

2. With a view to ensuring ensure full equality in practice between men and women in working life, the principle of equal treatment shall not prevent the institutions of the European Communities from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

3. The institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such *de facto* inequalities as hamper opportunities for women in these areas.'

2. The second paragraph of Article 27 shall be replaced by the following:

'Officials shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.'

Article 2

The conditions of employment of other servants of the European Communities are hereby amended as follows:

1. the first paragraph of Article 10 shall be replaced by the following:

'Article 1a, Article 5(1), (2) and (4) and Article 7 of the Staff Regulations concerning equal treatment for officials, the classification of posts in categories, services and grades and the assignment of officials to posts shall apply by analogy.'

2. the second subparagraph of Article 12(1) shall be replaced by the following:

'Temporary staff shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.'

3. The following paragraph shall be added to Article 53:

'Article 1a of the Staff Regulations concerning equality of treatment for officials shall apply by analogy.'

⁽¹⁾ OJ C 144, 16. 5. 1996, p. 14.

⁽²⁾ OJ C 85, 17. 3. 1997, p. 128.

⁽³⁾ Opinion delivered on 24 May 1993.

⁽⁴⁾ Opinion delivered on 23 April 1997.

4. Article 83 shall be replaced by the following:

'Article 83

Article 1a, Article 11, the first paragraph of Article 12, Article 14, the first paragraph of Articles 16, Articles 17, 19, and 22, the first and second paragraphs of Article 23 and the second paragraph of Article 25 of the Staff Regulations concerning the rights and obliga-

tions of officials and Articles 90 and 91 of the Staff Regulations concerning appeals shall apply by analogy.'

Article 3

This Regulation shall enter into force on the day following that 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 Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

COUNCIL REGULATION (EC) No 782/98**of 7 April 1998****amending Regulation (EC) No 1626/94 laying down certain technical measures
for the conservation of fishery resources in the Mediterranean**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, according to Article 2 of Council Regulation (EC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽⁴⁾, the general objectives of the common fisheries policy is to protect and conserve living marine aquatic resources;

Whereas the International Commission for the Conservation of Atlantic Tuna (ICCAT) at its 10th extraordinary session held in San Sebastian, Spain, from 22 to 29 November 1996, adopted two recommendations concerning the fishing activity for bluefin tuna in the Mediterranean; whereas ICCAT has also recommended certain specific rules on minimum landing sizes of bluefin tuna; whereas all these recommendations are drawn up on scientific advice;

Whereas in the framework of the Community's international obligations and, in particular, taking into account the future accession of the Community to ICCAT, it is appropriate to implement those recommendations, in order to avoid an excessive fishing pressure on bluefin tuna;

Whereas Regulation (EC) No 1626/94 ⁽⁵⁾ should consequently be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1626/94 is hereby amended as follows:

1. the following Article shall be inserted:

'Article 3a

1. It shall be forbidden to fish for bluefin tuna with purse seine during the period from 1 to 31 August.
2. It shall be forbidden to use airplanes or helicopters in support of fishing operations for bluefin tuna during the period 1 to 30 June.'

⁽¹⁾ OJ C 337, 7. 11. 1997, p. 36.

⁽²⁾ OJ C 104, 6. 4. 1998.

⁽³⁾ OJ C 73, 9. 3. 1998.

⁽⁴⁾ OJ L 389, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 171, 6. 7. 1994, p. 1. Regulation as amended by Regulation (EC) No 1075/96 (OJ L 142, 15. 6. 1996, p. 1).

2. in Annex IV:

— the following text shall replace the corresponding entry:

'Species	Minimum size
<i>Thunnus thynnus</i>	70 cm or 6,4 kg (**)

(**) However, it shall be authorised to land up to 15 % in number of individuals weighing between 1,8 kg and 6,4 kg caught accidentally.'

— former footnote (**) shall be renumbered as (**').

Article 2

This Regulation shall enter into force on the day following that 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 Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

COUNCIL REGULATION (EC) No 783/98**of 7 April 1998****amending Regulation (EC) No 45/98 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 45/98 ⁽²⁾ fixes, for certain fish stocks and groups of fish stocks, the TACs for 1998 and certain conditions under which they may be fished;

Whereas it is desirable to set new TACs for 1998 in order to limit the catches of a number of additional fish stocks or group of fish stocks in the North Sea; whereas these TACs should be allocated among Member States in accordance with Article 8(4) of Regulation (EEC) No 3760/92;

Whereas Regulation (EC) No 45/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The tables in Annexes I and II to this Regulation shall be inserted, respectively, in Annexes I and III to Regulation (EC) No 45/98 in the appropriate species.

Article 2

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

It shall apply from 1 January 1998.

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

Done at Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

⁽¹⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 12, 19. 1. 1998, p. 1.

ANNEX I

Species: Megrim <i>Lepidorhombus</i> spp.		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	10	⁽¹⁾ Community waters
Danmark	10	
Deutschland	10	
Ελλάδα		
España		
France	50	
Ireland		
Italia		
Luxembourg		
Nederland	40	
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	2 880	
EC	3 000	
TAC	3 000	
Species: Anglerfish <i>Lophiidae</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	780	⁽¹⁾ Community waters
Danmark	1 720	
Deutschland	840	
Ελλάδα		
España		
France	160	
Ireland		
Italia		
Luxembourg		
Nederland	590	
Österreich		
Portugal		
Suomi/Finland		
Sverige	20	
United Kingdom	17 960	
EC	22 070	
TAC	22 070	
Species: Turbot ⁽²⁾ <i>Psetta maxima</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	660	⁽¹⁾ Community waters ⁽²⁾ including brill (<i>Scophthalmus rhombus</i>)
Danmark	1 410	
Deutschland	360	
Ελλάδα		
España		
France	170	
Ireland		
Italia		
Luxembourg		
Nederland	5 000	
Österreich		
Portugal		
Suomi/Finland		
Sverige	10	
United Kingdom	1 390	
EC	9 000	
TAC	9 000	

Species: Skates and rays <i>Rajidae</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	1 020	⁽¹⁾ Community waters
Danmark	40	
Deutschland	50	
Ελλάδα		
España		
France	160	
Ireland		
Italia		
Luxembourg		
Nederland	870	
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	3 920	
EC	6 060	
TAC	6 060	
Species: Dab ⁽²⁾ <i>Limanda limanda</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	820	⁽¹⁾ Community waters ⁽²⁾ including flounder (<i>Platichthys flesus</i>)
Danmark	3 080	
Deutschland	4 620	
Ελλάδα		
España		
France	320	
Ireland		
Italia		
Luxembourg		
Nederland	18 630	
Österreich		
Portugal		
Suomi/Finland		
Sverige	10	
United Kingdom	2 590	
EC	30 070	
TAC	30 070	
Species: Lemon sole ⁽²⁾ <i>Microstomus kitt</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	650	⁽¹⁾ Community waters ⁽²⁾ including witch (<i>Glyptocephalus cynoglossus</i>)
Danmark	1 790	
Deutschland	230	
Ελλάδα		
España		
France	490	
Ireland		
Italia		
Luxembourg		
Nederland	1 490	
Österreich		
Portugal		
Suomi/Finland		
Sverige	20	
United Kingdom	7 330	
EC	12 000	
TAC	12 000	

ANNEX II

Stocks			Type of TAC A = analytical P = precautionary	Articles 3 and 4 of Regulation (EC) No 847/96 applicable (1/0 = yes/no)	Deductions of Article 5(2) of Regulation (EC) No 847/96 applicable (1/0 = yes/no)
Species		Area			
Common name	Latin name				
Megrim	<i>Lepidorhombus</i> spp.	IIa (1), North Sea (1)	P	1	0
Anglerfish	<i>Lophius</i> spp.	IIa (1), North Sea (1)	P	1	0
Turbot and brill	<i>Psetta maxima</i> & <i>Scophthalmus rhombus</i>	IIa (1), North Sea (1)	P	1	0
Skates and rays	<i>Rajidae</i> spp.	IIa (1), North Sea (1)	P	1	0
Dab and flounder	<i>Limanda limanda</i> & <i>Platichthys flesus</i>	IIa (1), North Sea (1)	P	1	0
Lemon sole and witch	<i>Microstomus kitt</i> & <i>Glyptocephalus cynoglossus</i>	IIa (1), North Sea (1)	P	1	0

(1) Community waters

COMMISSION REGULATION (EC) No 784/98
of 14 April 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 15 April 1998.

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

Done at Brussels, 14 April 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 14 April 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	107,2
	624	191,0
	999	149,1
0707 00 05	052	113,1
	066	98,4
	999	105,8
0709 90 70	052	108,8
	999	108,8
0805 10 10, 0805 10 30, 0805 10 50	052	52,1
	204	34,6
	212	45,8
	600	39,2
	624	48,8
	999	44,1
0805 30 10	600	85,9
	999	85,9
0808 10 20, 0808 10 50, 0808 10 90	060	46,8
	388	93,3
	400	94,4
	404	100,6
	508	95,0
	512	85,8
	524	83,4
	528	87,1
	720	129,8
	804	117,3
	999	93,4
	999	93,4
0808 20 50	388	73,9
	512	73,5
	528	87,5
	999	78,3

⁽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 785/98

of 14 April 1998

laying down detailed rules for the granting of private storage aid for long-keeping cheeses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Articles 9(3) and 28 thereof,

Whereas Council Regulation (EEC) No 508/71 ⁽³⁾ provides that private storage aid may be granted for certain long-keeping cheeses where there is a serious imbalance of the market which may be eliminated or reduced by seasonal storage;

Whereas the seasonal nature of Emmental and Gruyère cheese production is aggravated by the fact that the seasonal trend in consumption of such cheeses is the opposite of their production; whereas, therefore, provision should be made for recourse to such storage in respect of a quantity corresponding to the difference between summer and winter production;

Whereas the detailed rules of this measure should determine the maximum quantity to benefit from it as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question; whereas it is necessary to specify the terms of the storage contract so as to enable the identification of the cheese and to maintain checks on the stock in respect of which aid is granted; whereas the aid should be fixed taking into account storage costs and the foreseeable trend of market prices;

Whereas, in view of experience in controls, the provisions relating thereto should be specified, in particular as regards the documents to be presented and the on-the-spot checks to be conducted; whereas these new requirements on the subject make it necessary to stipulate that the Member States may provide that the costs of controls be fully or in part charged to the contractor;

Whereas Article 1(1) of Commission Regulation (EEC) No 1756/93 of 30 June 1993 fixing the operative events for the agricultural conversion rate applicable to milk and milk products ⁽⁴⁾, as last amended by Regulation (EC) No

420/98 ⁽⁵⁾, fixes the conversion rate to be applied in the framework of private storage aid schemes in the milk products sector;

Whereas it is appropriate to guarantee the continuation of the storage operations in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted in respect of the private storage of 21 600 tonnes of Emmental and Gruyère cheeses manufactured in the Community which satisfy the requirements of Articles 2 and 3 hereof.

Article 2

1. The intervention agency may conclude storage contracts only if the following conditions are satisfied:

- (a) the batch of cheeses to which a contract relates must comprise at least 5 tonnes;
- (b) the cheeses shall be indelibly marked with an indication (which may take the form of a number) of the undertaking in which they were manufactured and of the day and month of manufacture;
- (c) the cheeses must have been manufactured at least 10 days before the date specified in the contract as being the date of commencement of storage;
- (d) the cheeses must have undergone quality tests which establish that their classification after maturing could be expected to be:
 - 'Premier choix' in France,
 - 'Markenkäse' or 'Klasse fein' in Germany,
 - 'Special grade' in Ireland,
 - 'I luokka' in Finland,
 - '1. Güteklasse Emmentaler/Bergkäse/Alpkäse' in Austria,
 - 'Västerbotten/Prästost/Svecia/Grevé' in Sweden;
- (e) the storer shall undertake:
 - not, during the term of the contract, to alter the composition of the batch covered by the contract without authorisation from the intervention

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 58, 11. 3. 1971, p. 1.

⁽⁴⁾ OJ L 161, 2. 7. 1993, p. 48.

⁽⁵⁾ OJ L 52, 21. 2. 1998, p. 21.

agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorise an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorisation of the intervention agency, the contract is deemed not to have undergone any alteration;
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any costs of controls arising from an alteration shall be met by the storer,

- to keep stock records and to inform the intervention agency each week of the cheeses put into storage during the previous week and of scheduled withdrawals.

2. Storage contracts shall be concluded:

- (a) in writing, stating the date when storage covered by the contract begins; this date may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage are completed;
- (b) after completion of the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date when storage by the contract begins.

Article 3

1. Aid shall be granted only for such cheeses as are put into storage during the storage period. This period shall begin on 1 April 1998 and end on or before 30 September of the same year.

2. Stored cheese may be withdrawn from storage only during the period for withdrawal. This period shall begin on 1 October 1998 and end on 31 March of the following year.

Article 4

1. The aid shall be as follows:

- (a) ECU 100 per tonne for the fixed costs;
- (b) ECU 0,35 per tonne per day of storage under contract for the warehousing costs;
- (c) ECU 0,63 per tonne per day of storage under contract for the financial costs.

2. No aid shall be granted in respect of storage under contract for less than 90 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

By way of derogation from the first indent of Article 2(1) (e), when the period of 90 days specified in the first subparagraph has elapsed and the period for withdrawal referred to in Article 3(2) has begun, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to 2 tonnes.

The date of the start of operations to remove the batch of cheese covered by the contract shall not be included in the period of storage under contract.

Article 5

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified:

- (a) ownership at the time of entry into storage;
- (b) the origin and the date of manufacture of the cheeses;
- (c) the date of entry into storage;
- (d) presence in the store;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store shall keep stock accounts available at the store, covering:

- (a) identification, by contract number, of the products placed in private storage;
- (b) the dates of entry into and removal from storage;
- (c) the number of cheeses and their weight by batch;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract. A special mark shall be affixed to cheeses covered by the contract.

5. On entry into storage, the competent agencies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract, without prejudice to the application of Article 2(1)(e).

6. The national authorities responsible for controls shall undertake:

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of

the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check;

- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating:

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter

shall be extended to a larger sample to be determined by the competent agency.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of controls are to be fully or in part charged to the contractor.

Article 6

The Member States shall forward to the Commission before 15 October 1998 particulars as to the following:

- (a) the quantities of cheese for which storage contracts have been concluded;
- (b) any quantities in respect of which the authorisation referred to in Article 2(1)(e) has been given.

Article 7

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

It shall apply with effect from 1 April 1998.

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

Done at Brussels, 14 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 786/98**of 14 April 1998****redistributing unused portions of the 1997 quantitative quotas for certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾, as last amended by Regulation (EC) No 138/96 ⁽²⁾, and in particular Articles 2(5), 14 and 24 thereof,

Whereas Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 847/97 ⁽⁴⁾, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation; whereas the provisions of Regulation (EC) No 520/94 are applicable to those quotas;

Whereas the Commission accordingly adopted Regulation (EC) No 738/94 ⁽⁵⁾, as last amended by Regulation (EC) No 983/96 ⁽⁶⁾, laying down general rules for the implementation of Regulation (EC) No 520/94; whereas these provisions apply to the administration of the above quotas subject to the provisions of this Regulation;

Whereas, in accordance with Article 20 of Regulation (EC) No 520/94, the competent authorities of the Member States notified the Commission of the quantities of quotas assigned in 1997 and not used;

Whereas the unused quantities could not be redistributed in time to be used before the end of the 1997 quota year;

Whereas examination of the data received for each of the products in question indicates that the quantities not used

in the 1997 quota year should be redistributed in 1998, up to a limit of the amounts set out in Annex I to this Regulation;

Whereas, the different administrative methods provided for by Regulation (EC) No 520/94 having been considered, the method based on traditional trade flows should be adopted; whereas under this method quota tranches are divided into two portions, one of which is reserved for traditional importers and the other for other applicants;

Whereas this has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows;

Whereas quantities redistributed under this Regulation should be divided using the same criteria as for the allocation of the 1998 quotas;

Whereas the reference period used for the apportionment of the 1998 quotas, consisting of the year 1995, should again be applied to the allocation of the share set aside for traditional importers, since it continues to reflect the normal trend of trade flows for the products in question; whereas, therefore, traditional importers must prove that they imported products originating in China subject to the relevant quotas in the course of 1995;

Whereas it is necessary to simplify the formalities to be fulfilled by traditional importers who already hold import licences issued when the 1998 Community quotas were allocated; whereas the competent administrative authorities already possess the requisite evidence of 1995 imports for all traditional importers; whereas the latter need therefore only enclose a copy of their previous licences with their new licence applications;

Whereas measures should be taken to provide the best conditions for the allocation of that portion of the quota reserved for non-traditional importers with a view to optimum use of quotas; whereas, to this end, it is appropriate to provide for that portion to be allocated in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications

⁽¹⁾ OJ L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ L 21, 27. 1. 1996, p. 6.

⁽³⁾ OJ L 67, 10. 3. 1994, p. 89.

⁽⁴⁾ OJ L 122, 14. 5. 1997, p. 1.

⁽⁵⁾ OJ L 87, 31. 3. 1994, p. 47.

⁽⁶⁾ OJ L 131, 1. 6. 1996, p. 47.

actually lodged, and grant access only to importers who can prove that they obtained and made use of at least 80 % of an import licence for the product in question during the 1997 quota year and to importers who did not obtain an import licence for the product in question during the 1997 quota year; whereas the amount that any non-traditional importer may request should also be restricted to a set volume or value;

Whereas for the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers;

Whereas with a view to optimum use of quotas, licence applications for imports of footwear under quotas which refer to several CN codes must specify the quantities required for each code;

Whereas the Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94; whereas the information about traditional importers' previous imports must be expressed in the same units as the quota in question; whereas if the quota is set in ecus, the counter-value of the currency in which previous imports are expressed must be calculated in accordance with Article 18 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾, as last amended by Regulation (EC) No 82/97⁽²⁾;

Whereas in the light of the experience gained in the management of the quotas, in order to facilitate import administration formalities to economic operators and in view of the fact that unused quantities may not be carried over to the following year more than once, thus the risk of excessive accumulation of imports appear to be limited, it is deemed appropriate, without prejudice to the results of a further analysis which may appear to be warranted in this respect in the future, to set the expiry date of the redistribution import licences at 31 December 1998;

Whereas these measures are in accordance with the opinion of the Committee for the administration of quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down specific provisions for the redistribution in 1998 of portions of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94 which were not used in the 1997 quota year.

The quantities not used in the 1997 quota year shall be redistributed up to the limit of the volumes or values set out in Annex I to this Regulation.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex II to this Regulation.

3. The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume/value requested by a single importer may not exceed that shown in Annex III. Only importers who can prove that they imported at least 80 % of the volume/value of the product for which they were granted an import licence pursuant to Commission Regulations (EC) No 1657/96⁽³⁾ and/or (EC) No 1140/97⁽⁴⁾ and importers who declare that they did not obtain an import licence pursuant to Regulations (EC) No 1657/96 and/or (EC) No 1140/97 shall be entitled to apply for import licences.

Article 3

Applications for import licences shall be lodged from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* to 6 May 1998 at 3 p.m., Brussels time, with the competent authorities listed in Annex I to Regulation (EC) No 738/94.

Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean importers who can show that they have imported goods in the calendar year 1995.

2. The evidence referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release into free circulation during calendar year 1995 of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 210, 20. 8. 1996, p. 12.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 1.

3. Instead of the evidence referred to in the first indent of Article 7 of Regulation (EC) No 520/94:

- applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during calendar year 1995 carried out by themselves or, where applicable, by the operator whose activities they have taken over,
- applicants already holding import licences issued for 1998 under Commission Regulation (EC) No 2021/97 ⁽¹⁾, for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case they shall indicate in their licence application the aggregate value, or where appropriate the aggregate quantity, of imports of the product in question during the reference period year.

4. Article 18 of Regulation (EEC) No 2913/92 shall apply where evidence is expressed in national currencies.

Article 5

Member States shall inform the Commission no later than 20 May 1998 at 10 a.m., Brussels time, of the number and

aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the reference year referred to in Article 4(1) of this Regulation.

Article 6

No later than 9 June 1998 the Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications.

Article 7

Import licences shall be valid up to 31 December 1998. The validity shall not be extendable.

Article 8

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, 14 April 1998.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ L 284, 16. 10. 1997, p. 42.

ANNEX I

Volumes/values of quantities to be redistributed

Product description	HS/CN code	Quantities redistributed
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	4 483 572 pairs
	6403 51 6403 59	767 358 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	1 486 444 pairs
	ex 6404 11 ⁽²⁾	4 111 457 pairs
	6404 19 10	9 569 315 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	8 780,84 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 524,05 tonnes
Toys falling within HS/CN codes	9503 41 ⁽³⁾ 9503 49 ⁽³⁾ 9503 90 ⁽³⁾	ECU 272 752 979

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has a provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽³⁾ Excluding parts and accessories.

ANNEX II

Allocation of the quotas

Product description	HS/CN code	Portion reserved for traditional importers	Portion reserved for other importers
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	3 586 858 pairs (80 %)	896 714 pairs (20 %)
	6403 51 6403 59	613 886 pairs (80 %)	153 472 pairs (20 %)
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	1 189 155 pairs (80 %)	297 289 pairs (20 %)
	ex 6404 11 ⁽²⁾	3 289 166 pairs (80 %)	822 291 pairs (20 %)
	6404 19 10	7 655 452 pairs (80 %)	1 913 863 pairs (20 %)
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	7 024,68 tonnes (80 %)	1 756,17 tonnes (20 %)
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	4 419,24 tonnes (80 %)	1 104,81 tonnes (20 %)
Toys falling within HS/CN codes	9503 41 ⁽³⁾ 9503 49 ⁽³⁾ 9503 90 ⁽³⁾	ECU 204 564 734 (75 %)	ECU 68 188 245 (25 %)

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has a provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽³⁾ Excluding parts and accessories.

ANNEX III

Maximum quantity which may be requested by each importer other than traditional

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	4 000 pairs
	6403 51 6403 59	4 000 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	4 000 pairs
	ex 6404 11 ⁽²⁾	4 000 pairs
	6404 19 10	4 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	4 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	4 tonnes
Toys falling within HS/CN codes	9503 41 ⁽³⁾ 9503 49 ⁽³⁾ 9503 90 ⁽³⁾	ECU 90 000

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

⁽³⁾ Excluding parts and accessories.

COMMISSION REGULATION (EC) No 787/98

of 14 April 1998

on the issuing of import licences for bananas under the tariff quota for the second quarter of 1998 (second period)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, and in particular Article 9 (3) thereof,

Having regard to Commission Regulation (EC) No 478/95 of 1 March 1995 on additional rules for the application of Council Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 ⁽⁵⁾, as amended by Regulation (EC) No 702/95 ⁽⁶⁾, and in particular Article 4 (3) thereof,

Whereas Article 2 of Commission Regulation (EC) No 645/98 of 20 March 1998 on the issuing of import licences for bananas under the tariff quota for the second quarter of 1998 and on the submission of new applications ⁽⁷⁾, fixes the quantities available for new licence applications under the tariff quota during the second quarter of 1998; whereas Article 4 (3) of Regulation (EC) No 478/95 lays down that the quantities for which licences may be issued for the origin(s) concerned must be determined without delay;

Whereas Article 9 (3) of Regulation (EEC) No 1442/93 lays down that where, in the case of a given quarter and origin, for a country or group of countries referred to in

Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators exceed the quantity available, a reduction percentage is to be applied to application for that origin; whereas, however, that provision does not apply to category C licence applications nor to category A and B applications relating to a quantity of 150 tonnes or less, provided that the total quantity covered by the category A and B applications does not exceed, for a given origin, 15 % of the total of the quantities applied for;

Whereas the quantities applied for, for 'Colombia category A', 'Costa Rica category A' and 'Cameroon', exceed the quantity available and a reduction coefficient should therefore be applied; whereas import licences may be issued for the quantity referred to in all other new applications;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the tariff quota for the import of bananas during the second quarter of 1998 against new applications as referred to in Article 4 (1) of Regulation (EC) No 478/95:

1. for the quantity set out in the licence application:

- (a) multiplied, in respect of the origin 'Colombia', by the reduction coefficient 0,9893 in the case of applications from operators in category A, including applications for up to 150 tonnes;
- (b) multiplied, in respect of the origin 'Costa Rica', by the reduction coefficient 0,9202 in the case of applications from operators in category A, including applications for up to 150 tonnes;
- (c) multiplied, in respect of the origin 'Cameroon', by the reduction coefficient 0,7112 in the case of applications from all categories of operators, including applications for up to 150 tonnes;

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ L 49, 4. 3. 1995, p. 13.

⁽⁶⁾ OJ L 71, 31. 3. 1995, p. 84.

⁽⁷⁾ OJ L 87, 21. 3. 1998, p. 10.

2. for the quantity indicated in licence application, in the case of an origin other than those referred to in point 1 above.

Article 2

This Regulation shall enter into force on 15 April 1998.

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

Done at Brussels, 14 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 788/98**of 14 April 1998****on the sale, by means of the procedure laid down in Regulation (EEC) No 2539/84, of beef held by certain intervention agencies and intended for export**

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 the application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States; whereas outlets for these products exist in certain third countries; whereas, in order to prevent storage being prolonged excessively, part of these stocks should be sold by tendering procedure for export to those countries; whereas to permit the sale of meat of uniform quality, beef that was purchased under Article 6 of Regulation (EEC) No 805/68 should be sold;

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, provides for the possibility of a two-stage procedure for the sale of beef from intervention;

Whereas the sale should be conducted in accordance with Regulation (EEC) No 2539/84 and Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾;

Whereas, in order to ensure that the tendering procedure is consistent and uniform, measures should be adopted in addition to those provided for in Article 8(1) of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies⁽⁷⁾, as last amended by Regulation (EC) No 2417/95;

Whereas provision should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of this point is creating in the Member States concerned;

Whereas, for administrative reasons, a minimum quantity should be set for tenders, taking into consideration normal commercial practice;

Whereas, for practical reasons, export refunds will not be granted for beef sold under this Regulation; whereas, however, buyers will be required to apply for export licences for the quantity allocated, in accordance with Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector⁽⁸⁾, as last amended by Regulation (EC) No 759/98⁽⁹⁾; whereas the deadline for taking over laid down in Article 6 of Regulation (EEC) No 2539/84 should accordingly be adjusted;

Whereas, in order to ensure that the beef sold is exported to the eligible third countries, provision should be made for a security to be lodged before the goods are taken over and the primary requirements should be determined;

Whereas products from intervention stocks may in certain cases have undergone several handling operations; whereas, in order to contribute to their satisfactory presentation and marketing, it is appropriate to authorise the repackaging of the products in certain specified circumstances;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of intervention products bought in under Article 6 of Regulation (EEC) No 805/68, of approximately:

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽⁵⁾ OJ L 301, 17. 10. 1992, p. 17.

⁽⁶⁾ OJ L 104, 27. 4. 1996, p. 13.

⁽⁷⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁸⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁹⁾ OJ L 105, 4. 4. 1998, p. 7.

- (a) — 2 000 tonnes of bone-in beef held by the Spanish intervention agency,
— 4 000 tonnes of bone-in beef held by the German intervention agency,
— 2 000 tonnes of bone-in beef held by the Austrian intervention agency,
— 250 tonnes of bone-in beef held by the Danish intervention agency,
— 250 tonnes of bone-in beef held by the Belgian intervention agency,
— 4 000 tonnes of bone-in beef held by the French intervention agency,
— 2 000 tonnes of bone-in beef held by the Italian intervention agency,
— 250 tonnes of bone-in beef held by the Dutch intervention agency,
— 100 tonnes of bone-in beef held by the Swedish intervention agency;
- (b) — 8 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the German intervention agency,
— 8 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the French intervention agency,
— 2 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the Spanish intervention agency,
— 2 000 tonnes of bone-in beef, to be sold as compensated quarters, held by the Italian intervention agency;
- (c) — 4 000 tonnes of boneless beef held by the Irish intervention agency,
— 2 000 tonnes of boneless beef held by the French intervention agency.

2. The beef shall be exported to the zone 08 destinations referred to in Annex II to Commission Regulation (EC) No 125/98⁽¹⁾.

3. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulations (EEC) No 2539/84 and No 3002/92.

Article 2

1. The qualities and the minimum prices referred to in Article 3(1) of Regulation (EEC) No 2539/84 are set out in Annex I hereto.

⁽¹⁾ OJ L 11, 17. 1. 1998, p. 20.

2. For each product mentioned in Annex I, the intervention agencies shall first sell the meat which has been stored the longest.

Particulars of the quantities and places where the products are stored shall be made available to interested parties at the addresses given in Annex II.

3. Only those tenders which reach the intervention agencies concerned no later than 12 noon on 20 April 1998 shall be taken into consideration.

4. A tender or purchase application shall be valid only if it relates to a minimum of 15 tonnes.

5. Tenders or purchase applications relating to the beef indicated in Article 1(1)(b) must be for an equal number of forequarters and hindquarters and must state a single price per tonne for the total quantity of bone-in beef desired.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a sealed envelope bearing a reference to the Regulation concerned. The sealed envelope must not be opened by the intervention agency before the tender deadline referred to in paragraph 3.

7. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not indicate which store the products are held in.

8. The security provided for in Article 5(1) of Regulation (EEC) No 2539/84 shall be ECU 12 per 100 kilograms.

Applications for export licences as referred to in Article 3(2) below shall constitute a primary requirement in addition to those laid down in Article 15(3) of Regulation (EEC) No 2173/79.

Article 3

1. The intervention agency shall notify each operator concerned by fax of the outcome of tenders or purchase applications.

2. The operator shall apply within five working days of the date of notification as referred to in paragraph 1 for one or more export licences as referred to in the first indent of Article 8(2) of Regulation (EC) No 1445/95 to cover the quantity awarded. Applications shall be accompanied by the fax referred to in paragraph 1 and shall contain in box 7 the name of one of the zone 08 countries referred to in Article 1(2). In addition, box 20 of the applications shall contain the following:

- Productos de intervención sin restitución [Reglamento (CE) n° 788/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 788/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 788/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 788/98]
- Intervention products without refund [Regulation (EC) No 788/98]
- Produits d'intervention sans restitution [règlement (CE) n° 788/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 788/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 788/98)
- Produtos de intervenção sem restituição [Regulamento (CE) n° 788/98]
- Interventiotuotteita — ei vientitukea (Asetus (EY) N:o 788/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 788/98).

Article 4

1. A security to guarantee exports to the third countries referred to in Article 1(2) shall be provided by the buyer before the goods are taken over. Importation into one of those countries shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾.

2. The security referred to in paragraph 1 shall be per tonne:

- ECU 1 600 for bone-in hindquarters,
- ECU 900 for bone-in forequarters,
- ECU 1 600 for compensated quarters,
- ECU 2 000 for boneless meat coming under codes INT.12 to INT.17, and code INT.19,
- ECU 1 500 for other boneless meat.

Article 5

Notwithstanding Article 6 of Regulation (EEC) No 2539/84, taking over must be completed within 45 days.

Article 6

The competent authorities may permit products from intervention whose packaging is torn or soiled to be put

up, under their supervision and before being presented for dispatch at the customs office of departure, in new packaging of the same type.

Article 7

No export refund shall be granted in respect of meat sold under this Regulation.

The removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the control copy T5 shall contain one of the following entries:

- Productos de intervención sin restitución [Reglamento (CE) n° 788/98]
- Interventionsvarer uden restitution (forordning (EF) nr. 788/98)
- Interventionserzeugnisse ohne Erstattung [Verordnung (EG) Nr. 788/98]
- Προϊόντα παρέμβασης χωρίς επιστροφή [Κανονισμός (ΕΚ) αριθ. 788/98]
- Intervention products without refund [Regulation (EC) No 788/98]
- Produits d'intervention sans restitution [règlement (CE) n° 788/98]
- Prodotti d'intervento senza restituzione [Regolamento (CE) n. 788/98]
- Producten uit interventievoorraden zonder restitutie (Verordening (EG) nr. 788/98)
- Produtos de intervenção sem restituição [Regulamento (CE) n° 788/98]
- Interventiotuotteita — ei vientitukea (Asetus (EY) N:o 788/98)
- Interventionsprodukt utan exportbidrag (Förordning (EG) nr 788/98).

Article 8

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

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

Done at Brussels, 14 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 205, 3. 8. 1985, p. 5.

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

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada ⁽¹⁾
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton ⁽¹⁾
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο ⁽¹⁾
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ECU per tonne ⁽¹⁾
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne ⁽¹⁾
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata ⁽¹⁾
Lidstaat	Producten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ECU per ton ⁽¹⁾
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada ⁽¹⁾
Jäsenvaltio	Tuotteet	Arvioitu määrä (tonneina)	Alimmat hinnat ecuina tonnilta ⁽¹⁾
Medlemsstat	Produkter	Ungefärlig kvantitet (ton)	Lägsta priser i ecu per ton ⁽¹⁾

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	2 000	900
	— Hinterviertel	2 000	1 100
DANMARK	— Bagfjærdinger	250	1 100
ITALIA	— Quarti anteriori	1 000	900
	— Quarti posteriori	1 000	1 100
FRANCE	— Quartiers avant	2 000	900
	— Quartiers arrière	2 000	1 100
SVERIGE	— Bakkvartsparter	100	1 100
BELGIQUE	— Quartiers arrière/Achtervoeten	250	1 100
ÖSTERREICH	— Vorderviertel	1 000	900
	— Hinterviertel	1 000	1 100
NEDERLAND	— Achtervoeten	250	1 100
ESPAÑA	— Cuartos delanteros	1 000	900
	— Cuartos traseros	1 000	1 100
b) DEUTSCHLAND	— Kompensierte Viertel ⁽²⁾	8 000	1 020
FRANCE	— Quartiers compensés ⁽²⁾	8 000	1 020
ESPAÑA	— Cuartos compensados ⁽²⁾	2 000	1 020
ITALIA	— Quarti compensati ⁽²⁾	2 000	1 020

c) 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

IRELAND	— shank (code INT 11)	400	1 000
	— thick flank (code INT 12)	400	1 600
	— topside (code INT 13)	200	1 700
	— silverside (code INT 14)	200	1 500
	— rump (code INT 16)	200	1 500
	— striploin (code INT 17)	200	2 200
	— flank (code INT 18)	400	900
	— fore rib (code INT 19)	400	1 300
	— shin (code INT 21)	400	1 000
	— shoulder (code INT 22)	400	1 300
	— brisket (code INT 23)	400	900
	— forequarter (code INT 24)	400	1 300
FRANCE	— Jarret (code INT 11)	200	1 000
	— Tranche grasse (code INT 12)	200	1 600
	— Tranche (code INT 13)	100	1 700
	— Semelle (code INT 14)	100	1 500
	— Rumsteak (code INT 16)	100	1 500
	— Faux-filet (code INT 17)	100	2 200
	— Flanchet (code INT 18)	200	900
	— Entrecôte (code INT 19)	200	1 300
	— Jarret avant (code INT 21)	200	1 000
	— Épaule (code INT 22)	200	1 300
	— Poitrine (code INT 23)	200	900
	— Quartier avant (code INT 24)	200	1 300

- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 1956/97 (DO L 276 de 9. 10. 1997, p. 34).
- (²) Se bilag V og VII til forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 1956/97 (EFT L 276 af 9. 10. 1997, s. 34).
- (³) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EWG) Nr. 1956/97 (ABl. L 276 vom 9. 10. 1997, S. 34).
- (⁴) Βλέπε παράρτημα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 1956/97 (ΕΕ L 276 της 9. 10. 1997, σ. 34).
- (⁵) See Annexes V and VII to Regulation (EEC) No 2456/93 (OJ L 225, 4. 9. 1993, p. 4), as last amended by Regulation (EC) No 1956/97 (OJ L 276, 9. 10. 1997, p. 34).
- (⁶) Voir annexes V et VII du règlement (CEE) n° 2456/93 (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 1956/97 (JO L 276 du 9. 10. 1997, p. 34).
- (⁷) Cfr. allegato V e VII del regolamento (CEE) n. 2456/93 (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 1956/97 (GU L 276 del 9. 10. 1997, pag. 34).
- (⁸) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 1956/97 (PB L 276 van 9. 10. 1997, blz. 34).
- (⁹) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 (JO L 225 de 4. 9. 1993, p. 4), Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 1956/97 (JO L 276 de 9. 10. 1997, p. 34).
- (¹⁰) Katso asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 1956/97 (EYVL L 276, 9.10.1997, s. 34), liite V ja VII.
- (¹¹) Se bilaga V och VII i förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 1956/97 (EGT L 276, 9.10.1997, s. 34).
- (¹²) Número igual de cuartos delanteros y traseros.
- (¹³) Lige stort antal forfjerdinger og bagfjerdinger.
- (¹⁴) Gleiche Anzahl Vorder- und Hinterviertel.
- (¹⁵) Ἴσος ἀριθμὸς μπροστινῶν καὶ πισινῶν τετάρτων.
- (¹⁶) Equal number of forequarters and hindquarters.
- (¹⁷) Nombre égal de quartiers avant et quartiers arrière.
- (¹⁸) Numero uguale di quarti anteriori e posteriori.
- (¹⁹) Een gelijk aantal voor- en achtervoeten.
- (²⁰) Número igual de quartos dianteiros e de quartos traseiros;
- (²¹) Sama määra etu- ja takaneljänneksiä.
- (²²) Samma antal framkvartsparter och bakkvartsparter.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

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Bureau d'intervention et de restitution belge
Rue de Trèves 82
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Belgisch Interventie- en Restitutiebureau
Trierstraat 82
B-1040 Brussel
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BUNDESREPUBLIK DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
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FEGA (Fondo Español de Garantía Agraria)
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E-28005 Madrid
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FRANCE

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AIMA (Azienda di Stato per gli interventi nel mercato agricolo)
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Agriculture House
Kildare Street
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NEDERLAND

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

ÖSTERREICH

AMA-Agrarmarkt Austria
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A-1201 Wien
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SVERIGE

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Vallgatan 8
S-551 82 Jönköping
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 March 1998

concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC

(98/256/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽²⁾, and in particular Article 9(4) thereof,

Having regard to the proposal from the Commission,

- (1) Whereas new information has been published in the United Kingdom further supporting the hypothesis that exposure to the bovine spongiform encephalopathy (BSE) agent is linked to the new variant of Creutzfeldt Jacob Disease (CJD) in humans; whereas on 16 September 1997 the Spongiform Encephalopathy Advisory Committee (SEAC) of the United Kingdom concluded that recent research provided

compelling new evidence that the agent which causes BSE is identical to the agent which causes the new variant of CJD in humans; whereas on 18 September 1997 the Advisory Committee on Dangerous Pathogens (ACDP) concluded that the BSE agent should now be classified as a human pathogen;

- (2) Whereas, in those circumstances and as an emergency measure, it is appropriate to prohibit temporarily the dispatch to the other Member States of all bovine animals from the United Kingdom and of all products consisting entirely or in part of, or incorporating materials derived from, bovine animals slaughtered in the United Kingdom which are liable to enter the human food or animal feed chains or are destined for use in cosmetic, pharmaceutical or medical products; whereas in order to prevent deflections of trade, the same prohibitions should also apply to exports to third countries;
- (3) Whereas, in order to protect animal and human health in the Community, the Commission adopted Decision 94/474/EC of 27 July 1994 concerning certain protection measures relating to bovine spongiform encephalopathy and repealing Decisions 89/469/EEC and 90/200/EEC⁽³⁾, Decision 92/290/EEC of 14 May 1992 concerning certain

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15. 3. 1993, p. 49).

⁽²⁾ OJ L 395, 30. 12. 1989, p. 13. Directive as last amended by Directive 92/118/EEC.

⁽³⁾ OJ L 194, 29. 7. 1994, p. 96. Decision as last amended by Decision 95/287/EC (OJ L 181, 1. 8. 1995, p.40).

protection measures relating to bovine embryos in respect of bovine spongiform encephalopathy (BSE) in the United Kingdom ⁽¹⁾, Decision 94/381/EC of 27 June 1994 concerning certain protection measures with regard to bovine spongiform encephalopathy and the feeding of mammalian derived protein ⁽²⁾ and Decision 96/449/EC of 18 July 1996 on the approval of alternative heat-treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents ⁽³⁾;

(4) Whereas the United Kingdom has taken measures as a result of the publication of information on certain cases of CJD in that Member State;

(5) Whereas the United Kingdom has banned the use of mammalian meat-and-bone meal, regardless of its origin, for feeding farm animals; whereas it is necessary to provide that mammalian meat-and-bone meal and farm animal feed and fertilisers containing mammalian meat-and-bone meal, which by their nature could enter the farm animal feed chain, may not be dispatched from the United Kingdom;

(6) Whereas the risk of transmissible spongiform encephalopathies (TSEs) entering the human food or animal feed chains through the consumption of protein derived from domestic carnivores is considered low; whereas that risk can be further reduced by requiring that domestic carnivores are not fed mammalian meat-and-bone meal originating in the United Kingdom; whereas it is therefore appropriate to provide that food for domestic carnivores which is produced in the United Kingdom but contains no mammalian meat-and-bone meal originating in that country may be dispatched from its territory to other Member States or to third countries;

(7) Whereas the United Kingdom has taken measures to destroy certain bovine tissues;

(8) Whereas Commission Decision 96/239/EC of 27 March 1996 on emergency measures to protect against bovine spongiform encephalopathy ⁽⁴⁾, before its amendment by Decision 96/362/EC ⁽⁵⁾, prohibited the dispatch from the United Kingdom to other

Member States and to third countries, in particular, of bovine semen, and certain other products from the United Kingdom obtained from bovine animals slaughtered in the United Kingdom which are liable to enter the animal feed or human food chains and materials destined for use in medicinal products, cosmetics or pharmaceutical products;

(9) Whereas the Scientific Veterinary was consulted on 18 and 26 April 1996; whereas, in the opinion of that Committee, bovine semen is considered to be safe for animal health with respect to BSE;

(10) Whereas the Scientific Committee on Cosmetology was consulted on the safety of certain bovine products on 11 April 1996; whereas the Liaison Committee of European Associations of the Perfume, Cosmetic Products and Toiletries Industries (Colipa) has recommended its members not to use source materials from United Kingdom bovine animals; whereas that Committee has declared that its members follow that recommendation; whereas Commission Directive 97/1/EC of 10 January 1997 adapting to technical progress Annexes II, III, VI, and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products ⁽⁶⁾, has provisionally prohibited the placing on the market of cosmetic products containing certain tissues and fluids;

(11) Whereas the Scientific Committee for food was consulted on the safety of certain bovine products on 15 April 1996;

(12) Whereas the Committee for Proprietary Medicinal Products was consulted on 16 April 1996; whereas the pharmaceutical sector had already introduced measures relating to the sourcing of materials and their treatment; whereas every medicinal product undergoes a pre-marketing approval before it is placed on the market by virtue of which the treatment process of any raw material is evaluated; whereas at the request of the European Agency for the Evaluation of Medicinal Products, all Community marketing authorisation holders, or applicants with a positive opinion from the Committee for Proprietary Medicinal Products or the Committee for Veterinary Medicinal Products, have confirmed that the products concerned do not contain bovine tissue of United Kingdom origin;

⁽¹⁾ OJ L 152, 4. 6. 1992, p. 37. Decision as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 172, 7. 7. 1994, p. 23. Decision as amended by Decision 95/60/EC (OJ L 55, 11. 3. 1995, p. 43).

⁽³⁾ OJ L 184, 24. 7. 1996, p. 43.

⁽⁴⁾ OJ L 78, 28. 3. 1996, p. 47.

⁽⁵⁾ OJ L 139, 12. 6. 1996, p. 17.

⁽⁶⁾ OJ L 16, 18. 1. 1997, p. 85.

- (13) Whereas subsequently, additional information was made available in order to facilitate a more complete risk assessment; whereas, on that basis, the Scientific Veterinary Committee on 26 April 1996 concluded that a combination of appropriate sourcing of bovine materials used and the application of minimum processing standards which have been shown effectively to inactivate the BSE agent together give good reassurances about the safety of those materials for food or cosmetic use; whereas, consequently, the Scientific Veterinary Committee has recommended safety parameters for the production of those materials which are therefore considered to be safe;
- (14) Whereas the Commission accordingly considered that certain products, such as gelatin and tallow, were safe;
- (15) Whereas in 1988 the United Kingdom introduced a requirement for animals affected with BSE to be completely destroyed; whereas the Council, at its meeting on 1, 2 and 3 April 1996, concluded that bovine animals over the age of 30 months should not enter the human food or animal feed chains or be used for cosmetic or pharmaceutical products; whereas such animals should not be used as source materials for certain bovine products;
- (16) Whereas furthermore, certain bovine tissues should not be used as source materials for those products;
- (17) Whereas Decision 96/362/EC amended Decision 96/239/EC to exempt certain products, such as gelatin, tallow and bovine semen, from the prohibition;
- (18) Whereas the Scientific Veterinary Committee at its meeting on 17 July 1996 endorsed the report of the sub-group for BSE of 26 June 1996, where it recommended that the risk assessment for gelatin established by the Scientific Veterinary Committee on 26 April 1996 be reappraised in the light of the uncertainties as to the inactivation of the BSE agent, due note being taken of the requirements of Decision 96/362/EC;
- (19) Whereas Decision 96/362/EC laid down certain preconditions which had to be met before the United Kingdom could dispatch from its territory gelatin made from raw materials from bovine animals; whereas those preconditions have not been fulfilled and such dispatch has not been authorised;
- whereas, however, in order to regularise the situation, pending further scientific knowledge and advice, it is appropriate to withdraw the possibility of dispatch of gelatin made from raw materials from bovine animals slaughtered in the United Kingdom for human food, animal feed, cosmetics pharmaceutical and medical purposes; whereas that is in conformity with the advice from the Multidisciplinary Scientific Committee of 3 April 1997, according to which no production can be considered safe if the base material used for gelatin production is potentially infectious;
- (20) Whereas the United Kingdom should be permitted to dispatch from its territory gelatin and di-calcium phosphate for technical purposes made from raw material from bovine animals slaughtered in the United Kingdom, provided that it is suitably labelled;
- (21) Whereas the United Kingdom should also be permitted to dispatch from its territory gelatin produced from raw material from bovine animals not slaughtered in the United Kingdom; whereas the United Kingdom has introduced a system of traceability for such gelatin to ensure that the origin of the raw material is identifiable; whereas the Community rules should be supplemented by formally introducing a system of traceability; whereas such a system should be introduced for other products which are exempted from the overall ban; whereas a system of labelling should also be introduced;
- (22) Whereas it is necessary to provide that products from bovine animals not slaughtered in the United Kingdom should come from approved establishments under official veterinary control which have a system in place to ensure traceability to the origin of the raw materials; whereas, however, dispatch of those products from the United Kingdom may take place immediately, without prior inspection by the Commission;
- (23) Whereas it is necessary to lay down appropriate guarantees for the dispatch from the United Kingdom of certain products obtained from bovine animals which were not slaughtered in the United Kingdom;
- (24) Whereas a reliable system of controls throughout the Community is a precondition for the smooth functioning of the beef market; whereas it is clear from the investigations by the Unit on Coordination of Fraud Prevention (UCLAF) and the Food and Veter-

inary Office of the Commission that there are deficiencies in official controls on production of beef in the United Kingdom for dispatch to other Member States and third countries; whereas it is, therefore, necessary to reinforce the system of veterinary checks in order to prevent fraud;

(25) Whereas reinforced checks should apply to all commercial consignments of fresh meat of bovine animals moving into, through or from the territory of the United Kingdom; whereas it is appropriate to require that all such consignments be sealed and unsealed by the competent authority and accompanied by veterinary certificates and, in the case of intra-Community trade, to require an official notification of the dispatch of a consignment by means of the ANIMO system as referred to in Commission Decision 91/398/EEC of 19 July 1991 on a computerised network linking veterinary authorities (ANIMO) ⁽¹⁾, or by fax;

(26) Whereas the veterinary supervision of the processing of meat derived from bovine animals slaughtered elsewhere than in the United Kingdom should also be reinforced;

(27) Whereas the United Kingdom put forward a first proposal for an export certified herds scheme to the Commission on 25 February 1997; whereas the Scientific Veterinary Committee concluded at its meeting of 11 June 1997 that that proposal was not adequate; whereas the United Kingdom put forward a modified proposal dated 1 July 1997; whereas the Scientific Veterinary Committee issued an opinion on that revised proposal on 17 September 1997 stating that the major obstacle to approving the scheme for the entire territory of the United Kingdom was the lack of a comprehensive computerised movement and tracing system and associated database for live cattle in Great Britain but that an adequate system did appear to exist in Northern Ireland; whereas the Committee concluded furthermore that small modifications could be made to minor aspects of the scheme at the request of the competent Commission departments in order to comply with certification or control requirements; whereas the Food and Veterinary Office conducted a feasibility inspection in Northern Ireland from 3 to 7 November 1997; whereas the United Kingdom has agreed to further improvements in line with the recommendations made following that inspection; whereas, therefore, a partial lifting of the prohibition

on the dispatch of products from bovine animals slaughtered in Northern Ireland is appropriate;

(28) Whereas inspections carried out by the Commission services have shown that the system of veterinary checks in Northern Ireland is more effective; whereas, therefore, a step-by-step approach is appropriate, starting with the lifting of the prohibitions on the dispatch of products from bovine animals slaughtered, cut, processed and stored in establishments exclusively used for products destined for dispatch to other Member States and third countries, located in Northern Ireland; whereas subsequent steps will include the lifting of the prohibition on the processing of eligible meat from Northern Ireland in Great Britain, under conditions which will be laid down at a later stage; whereas the Commission will immediately start investigating, with the authorities of the United Kingdom, by what means and under what conditions those restrictions may be further relaxed;

(29) Whereas in order to prevent fraud, meat derived from bovine animals slaughtered in the United Kingdom should bear, in addition to the health mark provided for in Article 3(1)(A)(e) of Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽²⁾, a distinct mark which cannot be confused with the Community health mark;

(30) Whereas most of the provisions of Decision 94/474/EC are no longer in conformity with the opinion of the Scientific Veterinary Committee of 17 September 1997 and should therefore be deleted;

(31) Whereas Decision 96/239/EC required the United Kingdom to provide reports on the BSE situation every two weeks; whereas that period has been found to be too short; whereas it should be extended to one month;

(32) Whereas the Commission should continue to carry out Community inspections in the United Kingdom to verify the application of the measures provided for in this Decision;

(33) Whereas the foregoing entails a fundamental reworking of Decision 96/239/EC; whereas, in the interests of clarity, that Decision should be repealed;

(34) Whereas this Decision will be reviewed in the light of new scientific information;

⁽¹⁾ OJ L 221, 9. 8. 1991, p. 30.

⁽²⁾ OJ 121, 29. 7. 1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11. 10. 1995, p. 7).

(35) Whereas the Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

CHAPTER I

Live bovine animals, bovine embryos, meat-and-bone meal and related products

Article 1

Pending an overall examination of the situation, and notwithstanding Community provisions adopted to protect against BSE, the United Kingdom shall ensure that the following are not dispatched from its territory to other Member States or to third countries:

- (a) live bovine animals and bovine embryos;
- (b) meat meal, bone meal, and meat-and-bone meal of mammalian origin;
- (c) animal feed and fertilisers containing material referred to in (b).

Article 2

By way of derogation from Article 1, food destined for domestic carnivores containing material referred to in Article 1(b) may be dispatched to other Member States or to third countries provided that those materials did not originate from the United Kingdom and that the conditions laid down in Articles 9 and 10 are complied with.

CHAPTER II

Materials derived from bovine animals slaughtered in the United Kingdom

Article 3

Pending an overall examination of the situation, and notwithstanding Community provisions adopted to protect against BSE, the United Kingdom shall ensure that the following are not dispatched from its territory to other Member States or to third countries, when derived from bovine animals slaughtered in the United Kingdom:

- (a) meat;
- (b) products which are liable to enter the human food or animal feed chains;
- (c) materials which are destined for use in cosmetics or medical or pharmaceutical products.

Article 4

1. By way of derogation from Article 3, the United Kingdom may authorise the production and the dispatch from its territory to other Member States or to third countries of:

- (a) amino acids, peptides and tallow, which have been produced in establishments under official veterinary supervision which have been shown to be operating in accordance with the conditions set out in Annex I;
- (b) tallow products and products derived from tallow by saponification, transesterification or hydrolysis, where these are manufactured from tallow produced in accordance with this Article.

2. The United Kingdom shall ensure that the products referred to in paragraph 1 are labelled or otherwise identified to show the establishment of production and to indicate that they are suitable for use in human food, animal feed, cosmetics or medical or pharmaceutical products.

3. The United Kingdom shall ensure that products referred to in paragraph 1(a) which are dispatched to other Member States in accordance with this Article are accompanied by a health certificate issued by an official veterinarian stating that they conform to the conditions laid down in this Decision and attesting to the frequency of official controls carried out.

4. Before an establishment may commence or recommence the dispatch of products pursuant to this Article, the United Kingdom shall forward to the Commission and the other Member States the list of the establishments referred to in paragraph 1(a), identifying for each establishment the purpose for which it has been approved. It shall notify the Commission and the other Member States immediately of any amendments to that list.

5. Community inspections shall be carried out on the implementation of official controls in respect of each of the products referred to in paragraph 1 before the dispatch of those products may commence or recommence.

6. The Commission, after having consulted the Member States in the framework of the Standing Veterinary Committee, shall set the date on which establishments may commence or recommence dispatch of the products referred to in paragraph 1(a).

Article 5

The United Kingdom shall ensure that gelatin, di-calcium phosphate, collagen, tallow, tallow products and products derived from tallow by saponification, transesterification or hydrolysis which are produced for technical use from raw materials derived from bovine animals slaughtered in

the United Kingdom are labelled or otherwise identified to show the establishment of production and their unsuitability for use in human food, animal feed, cosmetics or medical or pharmaceutical products.

Article 6

1. By way of derogation from Article 3, the United Kingdom may authorise the dispatch to other Member States or to third countries of the following products derived from bovine animals born and reared in Northern Ireland which have been slaughtered in Northern Ireland in slaughterhouses exclusively used for that purpose, in accordance with the conditions laid down in this Article, Article 7, Articles 9 to 12 and Annex II:

- (a) 'fresh meat' as defined by Directive 64/433/EEC;
- (b) 'minced meat' and 'meat preparations' as defined by Directive 94/65/EC ⁽¹⁾;
- (c) 'meat products' as defined by Directive 77/99/EEC ⁽²⁾.

2. The fresh meat referred to in paragraph 1(a) shall be deboned and all adherent tissues, including obvious nervous and lymphatic tissues shall be removed in cutting plants in Northern Ireland, exclusively used for eligible products. Cold storage shall take place in Northern Ireland in chambers exclusively used for eligible products. Cutting, storage and transport shall be carried out in accordance with the conditions laid down in this Article, Article 7, Articles 9 to 12 and Annex II.

3. The fresh meat referred to in paragraph 1(a) may be used for the production of products referred to in paragraph 1(b) and (c) in establishments in Northern Ireland exclusively used for eligible products, in accordance with the conditions laid down in this Article, in Article 7, Articles 9 to 12 and Annex II.

4. For the purposes of this Article, eligible products means products referred to in paragraph 1 and products derived from bovine animals not slaughtered in the United Kingdom which comply with the conditions laid down in Articles 9 to 13.

5. The Commission, after having carried out Community inspections and after having informed the Member States, shall set the date on which dispatch of the products referred to in paragraph 1 may commence.

6. The Commission shall review the provisions of this Article at least every three months and shall take appropriate measures in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.

Article 7

1. The meat and products referred to in Article 6(1) shall be marked or labelled with an additional distinct mark which cannot be confused with the Community health mark.

⁽¹⁾ OJ L 368, 31. 12. 1994, p. 10.

⁽²⁾ OJ L 26, 31. 1. 1977, p. 85.

2. Meat and products as referred to in Article 6(1) which are destined for placing on the market in the United Kingdom shall not bear the additional mark referred to in paragraph 1 of this Article. Where such a mark is present, it shall be cancelled or removed from the meat or cancelled from the label at the time that meat or those products leave the establishment. The Community health mark shall not be removed except where that is unavoidable in the cutting process.

3. The United Kingdom shall forward to the Commission and the other Member States the model of the additional mark referred to in paragraph 1 before dispatch commences.

CHAPTER III

Materials derived from bovine animals not slaughtered in the United Kingdom

Article 8

The United Kingdom shall ensure that the provisions of Articles 9 to 13 are complied with when the following products derived from bovine animals not slaughtered in the United Kingdom are dispatched from its territory to other Member States or to third countries:

- (a) 'fresh meat' as defined by Directive 64/433/EEC;
- (b) 'minced meat' and 'meat preparations' as defined by Directive 94/65/EC;
- (c) 'meat products' and 'other products of animal origin' as defined by Directive 77/99/EEC;
- (d) food which is destined for domestic carnivores;
- (e) gelatin and di-calcium phosphate, tallow, tallow products, and products derived from tallow by saponification, transesterification or hydrolysis, amino acids, peptides and collagen which are liable to enter the human food or animal feed chains, or are destined for use in cosmetics or medical or pharmaceutical products.

Article 9

1. The products referred to in Article 8 shall come from and, as appropriate, have passed through, establishments in the United Kingdom:

- (a) which have been approved by the competent authority;
- (b) which are under official veterinary supervision or, in the case of products derived from tallow by saponification, transesterification or hydrolysis, under the supervision of the competent authority;

- (c) which have put in place a system of tracing the raw material which will guarantee the origin of the material throughout the whole production chain;
- (d) which have put in place a registration system of amounts of incoming and outgoing materials to allow for cross-checking consignments entering or leaving;
- (e) in which the products are unloaded, processed, stored, handled, loaded and transported separately from, or at different times from, products which do not comply with the conditions laid down in this Article and Articles 10, 11 and 12.

2. The United Kingdom shall forward to the Commission and the other Member States the list of establishments which meet the conditions referred to in paragraph 1, identifying for each establishment the purpose for which it has been approved. It shall notify the Commission and the Member States immediately of any amendments to that list.

Article 10

1. Products referred to in Article 8(a) to (d) shall come from and, as appropriate, have passed through establishments in the United Kingdom in which:

- (a) all unloading, processing, storage or other handling and loading of products takes place under official supervision;
- (b) the products are stored in cold stores in chambers which are not used at the same time for storing any bovine products which do not comply with the conditions laid down in this Article, in Articles 9, 11, 12 and 13 and are kept locked under the seal of the competent authority when the latter is not present;
- (c) the products, with the exception of the products referred to in Article 8(d), are marked or labelled with an additional distinct mark which cannot be confused with the Community health mark;
- (d) the products eligible for dispatch from the United Kingdom within the meaning of this Article and Articles 9, 11, 12 and 13, but destined for placing on the market in the United Kingdom do not bear the additional mark referred to in point (c). Where such a mark is present, it shall be cancelled or removed from the meat or cancelled from the label at the time that meat or those products leave the establishment.

The United Kingdom shall forward to the Commission and the other Member States the model of the additional mark.

2. For the purposes of the health marking and application of additional marks provided for in Community legislation, the competent authority shall keep and maintain under its responsibility:

- (a) the instruments intended for meat health marking and application of additional marks, which may be handed over to auxiliaries only at time of marking and for the length of time required for that purpose;
- (b) any labels bearing a health mark or an additional mark. Those labels shall be serially numbered and the requisite quantity may be given to auxiliaries at the time when they are to be used.

3. The products referred to in paragraph 1 shall be transported by means of transport that are sealed by the competent authority.

When those products are dispatched to other Member States, they shall be accompanied by a health certificate issued by an official veterinarian stating that the conditions referred to in this Article and Articles 9, 11, 12 and 13 are met, identifying all establishments where they were obtained, processed, handled or stored and identifying all labels and their serial numbers in the consignment.

Meat shall be accompanied by the health certificate referred to in Annex IV to Directive 64/433/EEC identifying in the 'Identification of Meat' section of the certificate all labels and their serial numbers in the consignment.

The following words shall be added to all certificates:

'produced in accordance with Decision 98/256/EC'.

4. The United Kingdom shall inform the competent authority of the place of destination of each consignment by means of the Animo system or by fax.

Article 11

Without prejudice to Article 7(2) and Article 10(1)(d), where products referred to in Article 8(a) come from and, as appropriate, have passed through establishments in the United Kingdom, the Community health marks shall not be removed except where that is unavoidable in the cutting process.

Article 12

The products referred to in Article 8(e) which are dispatched to other Member States shall be labelled in order to identify the establishment of production and to indicate that they have been produced in accordance with

this Decision and, as appropriate, that they are suitable for use in human food, animal feed, cosmetics or medical or pharmaceutical products.

Article 13

1. A Member State which dispatches meat as referred to in Article 8(a) from an establishment or Community approved border inspection post in its territory through the territory of the United Kingdom or to an establishment approved in accordance with Article 9 shall ensure that the meat is accompanied by a veterinary certificate issued by an official veterinarian or the certificate issued by the competent authority of the border inspection post.

The originals of all certificates shall accompany the consignment to the establishment of its destination.

2. The meat as referred to in Article 8(a) shall be transported in an officially sealed vehicle.

The seal may be broken only for official inspection purposes.

3. A Member State which dispatches products referred to in Article 8(e) or any raw materials for use in the production of those products to an establishment approved in accordance with Article 9 shall ensure that they are labelled or otherwise identified to show the establishment and Member State in which they were produced.

CHAPTER IV

Final provisions

Article 14

The Commission shall carry out Community inspections on-the-spot in the United Kingdom to verify the application of the provisions of this Decision, in particular in relation to the implementation of official controls.

Article 15

The United Kingdom shall send the Commission every month a report on the application of the protective measures taken against BSE, in accordance with national and Community provisions.

Article 16

This Decision shall be reviewed regularly in the light of new scientific information. This Decision shall be amended, where appropriate, after consultation of the appropriate Scientific Committee, in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.

Article 17

Member States shall adopt the necessary measures to comply with this Decision. They shall immediately inform the Commission thereof.

Article 18

Decision 94/474/EC is hereby amended as follows:

1. Article 1 shall be deleted;
2. in Article 3, paragraphs 1 and 2 shall be deleted;
3. Article 4 shall be deleted.

Article 19

Decision 96/239/EC is hereby repealed.

Article 20

This Decision is addressed to the Member States.

Done at Brussels, 16 March 1998.

For the Council

The President

J. CUNNINGHAM

ANNEX I

CHAPTER 1

1. The following products may be exported from the United Kingdom by virtue of Articles 4 to 7:
 - (a) amino acids and peptides produced from hides and skins by a process which involves exposure of the material to a pH of 1 to 2, followed by a pH of >11, followed by heat treatment at 140 °C for 30 minutes at 3 bar;
 - (b) tallow and tallow products produced from material from animals fit for human consumption which has been subjected to one of the processes described in Chapter 2;
 - (c) products derived from tallow by one of the processes described in Chapter 3.
2. Products referred to in point 1 must be filtered after production.
3. Bovine animals which are showing signs of BSE and animals over 30 months of age may not be used as source materials (as provided for by Commission Regulation (EC) No 716/96⁽¹⁾) for production of the products referred to in point 1.
4. The following tissues may not be used for production of products referred to in point 1: skull, vertebral column, brain, spinal cord, eye, tonsil, thymus, intestine or spleen.

CHAPTER 2

A. Production standards for tallow produced in the United Kingdom from material derived from bovine animals slaughtered in the United Kingdom

1. Tallow may be produced only in systems described in Chapters I to IV, VI and VII of the Annex to Commission Decision 92/562/EEC⁽²⁾, in which the following minimum conditions are achieved:

CHAPTER I	(Batch/atmospheric/natural fat) 150 mm particle size maximum				
	Temperature	> 100 °C	> 110 °C	> 120 °C	
	Time	125 min	120 min	50 min	
CHAPTER II	(Batch/pressure/natural fat) 50 mm particle size maximum				
	Temperature	> 100 °C	> 133 °C		
	Time	25 min	20 min		
	Pressure (absolute)	3 bar			
CHAPTER III	(Continuous/atmospheric/natural fat) 30 mm particle size maximum				
	Temperature	> 100 °C	> 110 °C	> 120 °C	
	Time	95 min	55 min	13 min	
CHAPTER IV and VI	(Continuous/atmospheric/added fat and continuous/pressure/added fat) 30 mm particle size maximum				
	Temperature	> 100 °C	> 110 °C	> 120 °C	> 130 °C
	Time	16 min	13 min	8 min	3 min
CHAPTER VII	(Continuous/atmospheric/defatted) 20 mm particle size maximum				
	Temperature	> 80 °C	> 100 °C		
	Time	120 min	60 min		

The above temperature/time requirements may run concurrently.

⁽¹⁾ OJ L 99, 20. 4. 1996, p. 14.

⁽²⁾ OJ L 359, 9. 12. 1992, p. 23.

2. The United Kingdom may authorise plants only if they have been shown by methods laid down in Section B to be operating in accordance with the conditions set out in point 1.
3. Batch systems which achieve the parameters laid down in point 2 for continuous systems operating in accordance with Chapters III, IV, VI or VII may also be authorised.

B. Procedures for the validation of plants for the processing of animal waste of ruminant origin for the production of tallow in the United Kingdom, using methods described in the Annex to Decision 92/562/EEC

1. *Temperature — continuous and batch systems*

Temperature monitoring devices must be situated regularly throughout the equipment in order to record temperature at different stages in the process. Records should be kept and calibrations completed at regular intervals.

2. *Pressure (Chapter II only)*

Pressure monitoring devices must be installed in order to record pressure at stages in the process. Records must be kept and calibrations completed at regular intervals.

3. *Particle size — all systems*

CHAPTER 3

Human food, animal feed, medical or pharmaceutical products, their starting materials or intermediate products

Tallow derivatives may be used provided that they are produced by an appropriate, validated and strictly certified method such as:

1. transesterification or hydrolysis at not less than 200 °C for not less than 20 minutes under pressure (glycerol, fatty acids and fatty acid esters production); or,
2. saponification with NaOH 12M (glycerol and soap production):
 - in a batch process: at not less than 95 °C for not less than three hours; or,
 - in a continuous process: at not less than 140 °C, 2 bars for not less than eight minutes, or equivalent.

Cosmetic products, starting materials or intermediate products

Tallow derivatives may be used provided that the following methods have been used and strictly certified by the producer:

1. transesterification or hydrolysis at at least 200 °C, 40 bars for 20 minutes (glycerol and fatty acids and esters); or,
 2. saponification with NaOH 12M (glycerol and soap):
 - in a batch process: at 95 °C for three hours; or,
 - in a continuous process: at 140 °C, 2 bars for eight minutes or equivalent.
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ANNEX II

1. Deboned fresh meat and products referred to in Article 6(1)(b) and (c) from that meat derived from bovine animals slaughtered in Northern Ireland may be dispatched from Northern Ireland in application of the provisions of Article 6 when obtained from eligible animals which originate from eligible herds.

Eligible herds

2. A herd is a group of animals forming a separate and distinct unit, that is a group of animals which were managed, housed and kept separately from any other group of animals and which were identified with unique herd and animal identification numbers.
3. A herd is eligible when for at least 8 years, there has been no confirmed case of BSE, nor a suspect case for which the diagnosis of BSE has not been ruled out, in any animal which was still in or had moved through or from the herd.
4. As an exception to the provisions in point 2, a herd that has been in existence for less than eight years may be considered eligible, after a thorough epidemiological investigation by the competent veterinary authority, on condition that:
 - (a) all animals born or moved into the newly established herd complied with the conditions set out in point 6(a), (c), (d) and (e); and,
 - (b) the herd has complied with the conditions set out in point 3 during its entire existence.
5. If a herd is newly established on a holding which experienced a confirmed case of BSE in any animal which was still in or had moved through or from a herd on that holding, the newly established herd can only be eligible after a thorough epidemiological investigation by the competent veterinary authority, taking into account compliance with each of the following conditions to the satisfaction of the competent veterinary authority:
 - (a) all animals of the affected herd have been removed or killed;
 - (b) all feed has been removed and destroyed and all feed containers thoroughly cleansed;
 - (c) all buildings have been emptied and thoroughly cleansed before the new animals were admitted;
 - (d) all conditions set out in point 4 have been complied with.

Eligible animals

6. A bovine animal is eligible if it has been born and reared in Northern Ireland and at the time of slaughter:
 - (a) all records of its birth, identity and movements are recorded on an official computerised tracing system;
 - (b) it is more than six months but less than 30 months of age, determined by reference to an official computer record of its date of birth;
 - (c) its dam has lived for at least six months after its birth;
 - (d) its dam has not developed BSE and is not suspected of having contracted BSE;
 - (e) the herd of birth of the animal and all herds through which it has ever moved are eligible.
7. The official computerised tracing system referred to in point 6(a) will be accepted only where it has been in operation for sufficient time to contain all the information relating to the lifetime and movements of the animals needed to check compliance with the requirements of this Decision, and only in respect of animals born after the system came into operation. Historical data loaded into a computer for any period before the system was operational will not be accepted for this purpose.

Controls

8. If animal presented for slaughter or any circumstance surrounding its slaughter does not meet all of the requirements of this Decision, the animal must be automatically rejected. If that information becomes available after slaughter, the competent authority must immediately cease issuing certificates, and cancel issued certificates. If dispatch has already taken place, the competent authority must notify the competent authority of the place of destination. The competent authority of the place of destination must take the appropriate measures.

9. Slaughter of eligible animals must take place in slaughterhouses exclusively used for that purpose. Cutting, deboning and processing must place in establishments exclusively used for products which are eligible for dispatch to other Member States or third countries. Cold storage must take place in chambers, exclusively used for products which are eligible for dispatch to other Member States or third countries. All establishments through which the products pass before such dispatch must be situated in Northern Ireland.
10. The competent authority must ensure that procedures used in the cutting plants ensure that the following lymph nodes have been removed:
 - popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical.
11. Meat must be traceable back to the herd of the eligible animal by means of the computerised tracing system until the time of slaughter. After slaughter, labels must be capable of tracing fresh meat and products referred to in Article 6(1)(b) and (c) back to the herd to enable the consignment concerned to be recalled.
12. All approved eligible carcasses must have individual numbers correlated with the ear tag number.
13. The United Kingdom must have detailed protocols in place covering:
 - (a) tracing and controls prior to slaughter;
 - (b) controls during slaughter;
 - (c) all labelling and certification requirements after slaughter to the point of sale.
14. The competent authority must set up a system for recording checks on compliance so that control can be demonstrated.

The establishment

15. To obtain approval, the establishment must, in addition to all other requirements of this Decision, devise and implement a system whereby the eligible meat and/or eligible product is identifiable and all meat or products can be traced back to its herds of origin. The system must facilitate full traceability of the meat of products at all stages and records must be retained for at least two years. Details of the system to be employed must be given, in writing, by the management of the establishment to the competent authority.
 16. The competent authority must assess, approve and monitor the system provided by the establishment in order to ensure that it provides full segregation and traceability both backwards and forwards.
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