

Official Journal

of the European Communities

ISSN 0378-6978

L 160

Volume 41

4 June 1998

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1154/98 of 25 May 1998 applying the special incentive arrangements concerning labour rights and environmental protection provided for in Articles 7 and 8 of Regulations (EC) No 3281/94 and (EC) No 1256/96 applying multiannual schemes of generalised tariff preferences in respect of certain industrial and agricultural products originating in developing countries** 1
- Commission Regulation (EC) No 1155/98 of 3 June 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables 11
- Commission Regulation (EC) No 1156/98 of 3 June 1998 fixing the representative prices and the additional import duties for molasses in the sugar sector 13
- Commission Regulation (EC) No 1157/98 of 3 June 1998 altering the export refunds on white sugar and raw sugar exported in the natural state 15
- Commission Regulation (EC) No 1158/98 of 3 June 1998 fixing the maximum export refund for white sugar for the 41st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97 17
- ★ **Commission Regulation (EC) No 1159/98 of 3 June 1998 amending Regulation (EEC) No 1517/77 fixing the list of the various groups of hop varieties cultivated in the Community** 18
- ★ **Commission Regulation (EC) No 1160/98 of 2 June 1998 concerning the classification of certain goods in the Combined Nomenclature** 20
- ★ **Commission Regulation (EC) No 1161/98 of 3 June 1998 on the sale by tender of beef held by certain intervention agencies and intended for processing within the Community** 23

Commission Regulation (EC) No 1162/98 of 3 June 1998 amending the export refunds on poultrymeat	30
Commission Regulation (EC) No 1163/98 of 3 June 1998 fixing, for May 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector	32
Commission Regulation (EC) No 1164/98 of 3 June 1998 altering the corrective amount applicable to the refund on cereals	34

II *Acts whose publication is not obligatory*

EUROPEAN ECONOMIC AREA

The EEA Joint Committee

* Decision of the EEA Joint Committee No 57/96 of 28 October 1996 amending Annex II (Technical regulations, standards, testing and certification) and Annex XX (Environment) to the EEA Agreement	36
* Decision of the EEA Joint Committee No 37/97 of 27 June 1997 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms	38
* Decision of the EEA Joint Committee No 38/97 of 27 June 1997 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms	39
* Decision of the EEA Joint Committee No 83/97 of 31 October 1997 amending Annex XIII (Transport) to the EEA Agreement	40
* Decision of the EEA Joint Committee No 84/97 of 12 November 1997 amending Annex XIV (Competition) to the EEA Agreement	42
* Decision of the EEA Joint Committee No 85/97 of 12 November 1997 amending Annex XV (State aid) to the EEA Agreement	44

Corrigenda

* Corrigendum to Commission Regulation (EC) No 44/98 of 8 January 1998 establishing, for 1998, the list of vessels exceeding eight metres length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds nine metres (OJ L 5 of 9.1.1998)	46
* Corrigendum to Commission Decision 97/524/EC of 9 July 1997 on a common technical regulation for the telephony application requirements for digital enhanced cordless telecommunications (DECT) (edition 2) (OJ L 215 of 7.8.1997)	47
* Corrigendum to Commission Decision 97/525/EC of 9 July 1997 on a common technical regulation for the attachment requirements for terminal equipment for digital enhanced cordless telecommunications (DECT) generic access profile (GAP) applications (OJ L 215 of 7.8.1997)	47

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1154/98
of 25 May 1998**

applying the special incentive arrangements concerning labour rights and environmental protection provided for in Articles 7 and 8 of Regulations (EC) No 3281/94 and (EC) No 1256/96 applying multiannual schemes of generalised tariff preferences in respect of certain industrial and agricultural products originating in developing countries

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 ⁽¹⁾,

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

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

(1) Whereas Articles 7 and 8 of Regulations (EC) No 3281/94 ⁽⁴⁾ and (EC) No 1256/96 ⁽⁵⁾ provide that, as from 1 January 1998, special incentive arrangements in the form of additional preferences may be granted to developing countries covered by the abovementioned Regulations; whereas to this end, the Council has undertaken a review on the basis of Commission reports on the results of work within the International Labour Organisation (ILO), the World Trade Organisation (WTO), the Organisation for Economic Cooperation and Development (OECD) and the International Tropical Timber Organisation (ITTO) on the link between trade and labour rights and between trade and the environment;

(2) Whereas in the light of this review the results of the international debate on social and environmental clauses encourage the implementation of positive, development-oriented incentives reward-

ing compliance with international social and environmental standards;

(3) Whereas the special incentive arrangements provided for in Articles 7 and 8 of Regulations (EC) No 3281/94 and (EC) No 1256/96 meet this objective;

(4) Whereas the special incentive arrangements should be applied to countries which are beneficiaries of the scheme of generalised tariff preferences; whereas this should also be the case in sectors where they may be subject to the graduation mechanism; whereas, however, this should not be the case for sectors subject to the arrangements provided for in Article 5(1) of Regulations (EC) No 3281/94 and (EC) No 1256/96, as they are excluded for reasons of competitive capacity irrespective of the level of development of the country concerned;

(5) Whereas, under Article 7(1) of Regulations (EC) No 3281/94 and (EC) No 1256/96, the incentives concerning labour rights may be granted only to countries which request them in writing and provide proof that they apply legislation incorporating the substance of the standards laid down in International Labour Organisation (ILO) Conventions Nos 87 and 98 concerning the application of the principles of the right to organise and to bargain collectively and ILO Convention No 138 concerning the minimum age for admission to employment;

(6) Whereas the special incentive arrangements concerning labour rights should be confined to countries, or in certain cases, to production sectors that have actually taken steps to comply with the

⁽¹⁾ OJ C 360, 26. 11. 1997, p. 9.

⁽²⁾ OJ C 14, 19. 1. 1998.

⁽³⁾ OJ C 73, 9. 3. 1998, p. 51.

⁽⁴⁾ OJ L 348, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 998/97 (OJ L 144, 4. 6. 1997, p. 13).

⁽⁵⁾ OJ L 160, 29. 6. 1996, p. 1. Regulation as last amended by Regulation (EC) No 2448/96 (OJ L 333, 21. 12. 1996, p. 12).

ILO Conventions in question; whereas provisions must therefore be made for the special arrangements to apply to certain sectors but not to others;

Annex I included in Annex II to Regulations (EC) No 3281/94 and (EC) No 1256/96 respectively;

- (7) Whereas, under Article 8(1) of Regulations (EC) No 3281/94 and (EC) No 1256/96, the special incentive arrangements concerning environmental protection may be granted only to countries that request them and provide proof that they apply legislation incorporating the substance of the standards of the International Tropical Timber Organisation (ITTO);
- (8) Whereas requests for the special social and environmental incentive arrangements must be subject to a publication procedure enabling interested persons to make known their views; whereas the decision on whether to grant special arrangements must be taken after the Commission has examined the requests closely and the Generalised Preferences Committee has delivered a favourable opinion;
- (9) Whereas operation of the incentive arrangements concerning labour rights is contingent on certification by the authorities of the beneficiary countries of product conformity with the abovementioned standards and the application of administrative cooperation procedures similar to those used to verify the origin of goods;
- (10) Whereas for the purposes of certification and administration cooperation procedures, recourse should be had to the relevant provisions of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽¹⁾; whereas however special procedures should be provided in order to safeguard the justified interest of importers using the special incentives arrangements;
- (11) Whereas the additional preferential margin must be attractive if the arrangements are to be fully effective as an incentive; whereas this objective could be met by doubling the basic preferential margin for products of Annex I to Regulation (EC) No 3281/94, fixing the offer for products of Annex I to Regulation (EC) No 1256/96 at about 66 % of the basic preferential margin for agricultural products, and setting the margin at 25 % and 15 % of the Common Customs Tariff duty for products of
- (12) Whereas the only internationally recognised environmental standards at the moment are for tropical forests; whereas the special incentive arrangements concerning environmental protection will therefore apply solely to the products of tropical timber processing;
- (13) Whereas the international criteria for the preservation of tropical forests cannot for the time being be used to monitor logging operations; whereas at this stage it is preferable, for the purposes of the special incentive arrangements for the environment, to vet countries thoroughly in advance without prejudice to subsequent use of *ex-post* verification as soon as conditions so permit; whereas the additional preferential margins granted under such arrangements may be the same as those adopted in the social field;
- (14) Whereas, however, owing to the great sensitivity of the products referred to in Part 1 of Annex I to Regulations (EC) No 3281/94 and (EC) No 1256/96, the additional reduction in duty from which these products may benefit under the special incentive arrangements should be limited to 40 %;
- (15) Whereas the procedures for implementing the provisions of this Regulation are based on the measures set out in the Commission communication to the European Parliament and the Council on the management of preferential tariff arrangements, in particular with regard to identifying government authorities in the beneficiary countries, their assumption of responsibility, their training and the organisation of surveys in those countries;
- (16) Whereas in the context of introducing new multi-annual schemes of generalised tariff preferences to replace the schemes established under Regulations (EC) No 3281/94 and (EC) No 1256/96, consideration should be given to the improvements to be made to the special incentive arrangements concerning environmental protection, including the possibility of extending its scope depending on the outcome of implementing this Regulation;
- (17) Whereas in certain circumstances it may be appropriate to withdraw some or all of a country's advantages under the special incentive arrangements temporarily; whereas this is the case where beneficiary States fail to honour their commitments,
- ⁽¹⁾ OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 75/98 (OJ L 7, 13. 1. 1998, p. 3).

HAS ADOPTED THIS REGULATION:

TITLE I

SPECIAL INCENTIVE ARRANGEMENTS CONCERNING LABOUR RIGHTS

Article 1

The special incentive arrangements provided for in Article 7 of Regulations (EC) No 3281/94 and (EC) No 1256/96 shall be introduced according to the terms and conditions laid down in this Title.

Article 2

1. The preferential duty applying to the products referred to in Article 2(1), (2) and (3) of Regulation (EC) No 3281/94 which comply with the conditions of this Title shall be reduced by an amount equal to:

- 15 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 1 of Annex I,
- 25 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 2 of Annex I,
- 35 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 3 of Annex I.

2. The preferential duty applying to the products referred to in Article 2(1), (2) and (3) of Regulation (EC) No 1256/96 which comply with the conditions of this Title shall be reduced by an amount equal to:

- 10 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 1 of Annex I,
- 20 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 2 of Annex I,
- 35 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 3 of Annex I.

3. (a) The duty applying to the products listed in Annex I and included in Part 1 of Annex II to Regulation (EC) No 3281/94 which comply with the conditions of this Title shall be reduced by an amount equal to 25 % of the Common Customs Tariff duty applying to the product in question;
- (b) the duty applying to the products listed in Annex I and included in Part 1 of Annex II to Regulation (EC) No 1256/96 which comply with the conditions of this Title shall be reduced by an amount equal to 15 % of the Common Customs Tariff duty applying to the product in question.

4. The reduction in duty referred to in the previous paragraphs shall not be accorded to:

- the countries and sectors referred to in Article 5(1) of Regulations (EC) No 3281/94 and (EC) No 1256/96,
- countries excluded from preferences under Article 6 of Regulations (EC) No 3281/94 and (EC) No 1256/96.

5. The application of the special incentive arrangements shall not result in a more favourable treatment than that applied under Article 3(2) of Regulation (EC) No 1256/96.

Section 1

Procedure for granting the arrangements

Article 3

1. Without prejudice to the following Articles, the reductions specified in Article 2 shall apply to products originating in the beneficiary countries listed in Annex III to Regulations (EC) No 3281/94 and (EC) No 1256/96 on condition that the authorities of such countries have applied to the Commission in writing to take advantage of the special incentive scheme, giving details of:

- their domestic legislation incorporating the substance of the standards laid down in ILO Conventions Nos 87 and 98 concerning application of the principles of the right to organise and to bargain collectively and Convention No 138 concerning the minimum age of admission to employment; the full text of such legislation must be attached, together with an authentic translation into one of the Community languages,
- the measures taken to implement and monitor that legislation effectively, any sectoral limits on their application, any breaches observed and a breakdown of such breaches by production sector,
- a commitment by the government of the country in question to take full responsibility for monitoring application of the special arrangements and the relevant administrative cooperation procedures.

2. The Commission shall publish a notice in the *Official Journal of the European Communities*, announcing that such a request has been made by a beneficiary country and stating that any useful information concerning the request may be sent to the Commission by any interested natural or legal person; it shall set the period during which interested persons may make known their views.

Article 4

1. The Commission shall examine the requests submitted by the beneficiary countries, and depending on the content, may put any further questions which it considers useful.

2. The Commission shall seek whatever information it considers necessary and may check this information where appropriate with the persons referred to in Article 3(2) or any other natural or legal person.

3. In the beneficiary countries, and in cooperation with them, the Commission may carry out checks to verify all or part of the information gathered. The Commission shall request the authorities of the beneficiary country concerned to cooperate in these inquiries. The Commission may be assisted in this task by the Member States.

4. The Commission shall complete the examination of a request no later than one year from the date of receipt. The Commission may if necessary extend this deadline and shall inform the Committee referred to in Article 17 of Regulation (EC) No 3281/94 of any such extension.

5. The Commission shall submit the findings of its examination to the Committee referred to in Article 17 of Regulation (EC) No 3281/94.

Article 5

1. The Commission shall decide, in accordance with the procedure laid down in Article 16, either to apply the special incentive arrangements to products originating in the requesting country on condition that the monitoring and administrative cooperation arrangements defined in the following Articles of this Title are observed, or not to apply the special incentive arrangements if it considers that the requesting country's legislative, implementing and monitoring provisions do not ensure effective application of ILO Conventions Nos 87, 98 and 138.

2. Where the special incentive arrangements cannot be applied in accordance with the procedures laid down in paragraph 1, the Commission may decide, in accordance with the procedure laid down in Article 16, that the special incentive arrangements be granted to some sectors if, after the examination provided for in Article 4, it considers that ILO Conventions Nos 87, 98 and 138 are effectively applied only in those sectors.

3. Requesting countries shall be notified by the Commission of decisions taken pursuant to paragraphs 1 and 2 and of the date on which they enter into force.

4. In particular, if the Commission decides not to grant the special incentive arrangements to a country or to exclude some sectors, it shall explain the reasons for its decision to the applicant country if so requested. Such dialogue shall be conducted in close coordination with

the committee referred to in Article 17 of Regulation (EC) No 3281/94.

*Section 2***Monitoring procedure and administrative cooperation methods***Article 6*

1. Products referred to in Article 2 originating in countries which have been notified of a decision granting them entitlement to the special incentive arrangements shall be admitted under the arrangements provided for in Article 2 from the date of entry into force of that decision on presentation of a statement by the beneficiary country's relevant authorities duly identified during the examination of the request, certifying that the products in question and their components manufactured in that country or in a country entitled to regional cumulation within the meaning of Article 72 of Regulation (EEC) No 2454/93, have been manufactured under conditions complying with the domestic legislation referred to in the first indent of Article 3(1) and are therefore eligible for the special incentive arrangements.

2. The statement referred to in paragraph 1 shall bear the following endorsement, as appropriate:

'ILO Conventions Nos 87, 98, 138 — Article 7 of Regulation (EC) No 3281/94'

'ILO Conventions Nos 87, 98, 138 — Article 7 of Regulation (EC) No 1256/96'

and shall be entered in box 4 of the certificate of origin form A or on the invoice declaration provided for in Article 90 of Regulation (EEC) No 2454/93.

This statement shall be validated by a stamp of the beneficiary country's authority referred to in paragraph 1, in accordance with the provisions of Article 93 of Regulation (EEC) No 2454/93.

3. In the case of products listed in Part 1 of Annex II to Regulations (EC) No 3281/94 and (EC) No 1256/96 to which full graduation applies, the certificate of origin form A or the invoice declaration shall be valid solely in respect of the special incentive arrangements and not for any other preferential treatment.

Article 7

1. The provisions of Article 81(3) to (6), Article 84 and Articles 93 to 95 of Regulation (EEC) No 2454/93 shall apply *mutatis mutandis* to the statements referred to in Article 6 of this Regulation.

2. The issuing authorities for the statements referred to in Article 6 may be different from those for certificates of origin form A.

3. With regard to Article 94(5) of Regulation (EEC) No 2454/93, the Commission shall establish a non-exhaustive list of criteria specifying cases of reasonable doubt which may arise for these incentives, in cooperation with the Committee referred to in Article 17 of Regulation (EC) No 3281/94, at the latest by the time at which a request for special preferences is granted. The Commission shall publish this list in the *Official Journal of the European Communities*.

4. (a) The customs authorities in the Community shall inform the Commission, which shall immediately publish a notification in the *Official Journal of the European Communities*:

— that reasonable doubt exists about the entitlement to the special incentives, making clear the products, producers and exporters to which it applies, when the second communication referred to in Article 94(5) of Commission Regulation (EEC) No 2454/93 is sent, and concerns the benefits granted in this Regulation, or

— that a particular product from particular producers and exporters is not entitled to the special incentives, when it has been so established using the procedure in Article 94 of Commission Regulation (EEC) No 2454/93.

(b) The part of any customs debt which corresponds to the benefits granted under this Regulation shall be considered not to be incurred unless it is incurred after the date of publication of the notification referred to in subparagraph (a) and the debt concerns a product, producer and exporter specially mentioned therein, or unless the conditions justifying the application of Article 221(3) of Regulation (EEC) No 2913/92⁽¹⁾, second sentence, exist.

TITLE II

SPECIAL INCENTIVE ARRANGEMENTS CONCERNING ENVIRONMENTAL PROTECTION

Article 8

The special incentive arrangements referred to in Article 8 of Regulations (EC) No 3281/94 and (EC) No 1256/96 shall be introduced under the terms and conditions laid down in this Title.

Article 9

This Title shall be applicable to the products listed in the Annex.

Article 10

1. The preferential duty applying to the products referred to in Article 2(1), (2) and (3) of Regulation (EC) No 3281/94 which comply with the conditions of this Title shall be reduced by an amount equal to:

- 15 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 1 of Annex I,
- 25 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 2 of Annex I,
- 35 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 3 of Annex I.

2. The preferential duty applying to the products referred to in Article 2(1), (2) and (3) of Regulation (EC) No 1256/96 which comply with the conditions of this Title shall be reduced by an amount equal to:

- 10 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 1 of Annex I,
- 20 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 2 of Annex I,
- 35 % of the Common Customs Tariff duty applying to the product in question for the products listed in Part 3 of Annex I.

3. (a) The duty applying to the products listed in Annex I and included in Part 1 of Annex II to Regulation (EC) No 3281/94 which comply with the conditions in this Title shall be reduced by an amount equal to 25 % of the Common Customs Tariff duty applying to the product in question.

(b) The duty applying to the products listed in Annex I and included in Part 1 of Annex II to Regulation (EC) No 1256/96 which comply with the conditions in this Title shall be reduced by an amount equal to 15 % of the Common Customs Tariff duty applying to the product in question.

4. The reduction in duty referred to in paragraphs 1 and 2 shall not apply:

- to the countries and sectors referred to in Article 5(1) of Regulations (EC) No 3281/94 and (EC) No 1256/96,
- to countries excluded from preferences under Article 6 of Regulations (EC) No 3281/94 and (EC) No 1256/96.

5. The application of the special incentive arrangements shall not result in a more favourable treatment than that applied under Article 3(2) of Regulation (EC) No 1256/96.

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

Section 1

Procedure for granting the arrangements*Article 11*

1. Without prejudice to the following Articles, the reductions specified in Article 10 shall apply to products originating in the beneficiary countries listed in Annex III to Regulations (EC) No 3281/94 and (EC) No 1256/96 on condition that the authorities of such countries have applied to the Commission in writing to take advantage of the special incentive scheme, giving details of:

- their domestic legislation incorporating the substance of the ITTO standards; the full text of such legislation must be attached, together with an authentic translation into one of the Community languages,
- the measures taken to implement that legislation,
- their commitment to maintain that legislation and the implementing measures.

2. The Commission shall publish a notice in the *Official Journal of the European Communities* announcing that such a request has been made by a beneficiary country and stating that any useful information concerning the request may be sent to the Commission by any interested natural or legal person; it shall set the period during which interested persons may make known their views.

Article 12

1. The Commission shall examine the requests submitted by the beneficiary countries and, depending on the content, may put any further questions which it considers useful.

2. The Commission shall seek whatever information it considers necessary and may check this information where appropriate with the persons referred to in Article 11(2) or any other natural or legal person.

3. In the beneficiary countries, and in cooperation with them, the Commission may carry out checks to verify all or part of the information gathered. The Commission shall offer the authorities of the beneficiary country concerned every opportunity to cooperate in these enquiries. The Commission may be assisted in this task by the Member States.

4. The Commission shall complete the examination of a request no later than one year from the date of receipt. The Commission may if necessary extend this deadline

and shall inform the Committee referred to in Article 17 of Regulation (EC) No 3281/94 of any such extension.

5. The Commission shall submit the findings of its examination to the Committee referred to in Article 17 of Regulation (EC) No 3281/94.

Article 13

1. The Commission shall decide in accordance with the procedure laid down in Article 16:

- either to apply the special incentive arrangements to products originating in the requesting country,
- or, if it is considered that the requesting country's legislation is not sufficient to ensure effective application of the substance of the ITTO standards, not to apply the special incentive arrangements to that country.

2. Requesting countries shall be notified by the Commission of decisions taken pursuant to paragraph 1 and of the date on which they enter into force.

3. In particular, if the Commission decides not to grant the special incentive arrangements to a country, it shall explain the reasons for its decision to the applicant country if so requested. Such dialogue shall be conducted in close coordination with the Committee referred to in Article 17 of Regulation (EC) No 3281/94.

Section 2

Monitoring procedure and administrative cooperation methods*Article 14*

1. Certificates of origin form A issued for products referred to in Article 10 and the invoice declarations provided for in Article 90 of Regulation (EEC) No 2454/93 shall bear the following endorsement, as appropriate:

- 'Environmental clause — Article 8 of Regulation (EC) No 3281/94'
- 'Environmental clause — Article 8 of Regulation (EC) No 1256/96'.

2. In the case of products listed in Part 1 of Annex II to Regulations (EC) No 3281/94 and (EC) No 1256/96 to which full graduation applies, the certificate of origin form A or the invoice declaration shall be valid solely in respect of the special incentive arrangements and not for any other preferential treatment.

TITLE III

PROCEDURES AND GENERAL AND FINAL PROVISIONS

Article 15

1. Without prejudice to the second subparagraph of Article 94(2) of Commission Regulation (EEC) No 2454/93, a country may have its entitlement to the special incentive arrangements totally or partially withdrawn temporarily if there is sufficient evidence that that country has not fulfilled its obligations within the meaning of Articles 3 and 11 of this Regulation. Such total or partial withdrawal shall be without prejudice to the possible application of Article 9 of Regulations (EC) No 3281/94 and (EC) No 1256/96.

2. The withdrawal decision referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 16.

Article 16

1. The Commission shall be assisted by the Committee referred to in Article 17 of Regulation (EC) No 3281/94.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, within three months of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 17

On the basis of an annual report from the Commission, the Generalised Preferences Committee set up under Article 17 of Regulation (EC) No 3281/94 shall examine the effects of the special incentive arrangements, including the progress made by the beneficiary countries and the measures being considered to remedy reported shortcomings. Those measures shall be adopted in accordance with the procedures laid down in Article 16.

Article 18

For the highly sensitive products referred to in Part 1 of Annex I to Regulations (EC) No 3281/94 and (EC) No 1256/96 the reduction in duty resulting from the application of this Regulation may not exceed 40 %.

Article 19

This Regulation shall enter into force the day after its publication in the *Official Journal of the European Communities*. It shall cease to apply on the date of expiry of Regulations (EC) No 3281/94 and (EC) No 1256/96.

Decisions taken under the present Regulation shall automatically expire with the expiry of Regulations (EC) No 3281/94 and (EC) No 1256/96.

Decisions granting the special incentive arrangement adopted under the present Regulation shall automatically expire when all benefits under Regulations (EC) No 3281/94 and (EC) No 1256/96 cease to apply to the beneficiary country in question.

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

Done at Brussels, 25 May 1998.

For the Council

The President

R. COOK

ANNEX

LIST OF PRODUCTS REFERRED TO IN ARTICLE 9 (1)

CN code	Description of goods
(1)	(2)
	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm:
	— Of tropical wood specified in subheading note 1 to this chapter:
	— — Virola, mahogany (<i>Swietenia</i> spp.), imbuia and balsa:
4407 24 10	— — — Finger-jointed, whether or not planed or sanded
	— — — Other:
4407 24 30	— — — — Planed
4407 24 50	— — — — Sanded
	— — Dark red meranti, light red meranti and meranti bakau:
4407 25 10	— — — Finger-jointed, whether or not planed or sanded
	— — — Other:
	— — — — Planed:
4407 25 31	— — — — — Blocks, strips and friezes for parquet or wood-block flooring, not assembled
4407 25 39	— — — — — Other
4407 25 50	— — — — Sanded
	— — White lauan, white meranti, white seraya, yellow meranti and alan:
4407 26 10	— — — Finger-jointed, whether or not planed or sanded
	— — — Other:
	— — — — Planed:
4407 26 31	— — — — — Blocks, strips and friezes for parquet or wood-block flooring, not assembled
4407 26 39	— — — — — Other
4407 26 50	— — — — Sanded
	— — Other:
	— — — Keruing, ramin, kapur, teak, jongkong, merbau, jelutong, kempas, okoumé, obéché, sapelli, sipo, acajou d'Afrique, makoré, iroko, tiama, mansonia, ilomba, dibétou, limba, azobé, palissandre de Rio, palissandre de Para and palissandre de Rose:
4407 29 10	— — — — Finger-jointed, whether or not planed or sanded
	— — — — Other:
	— — — — — Planed:
4407 29 20	— — — — — Palissandre de Rio, palissandre de Para and palissandre de Rose
	— — — — — Other:
4407 29 31	— — — — — — Blocks, strips and friezes for parquet or wood-block flooring, not assembled
4407 29 39	— — — — — — Other
4407 29 50	— — — — — Sanded
	— — — Other:

CN code	Description of goods
(1)	(2)
4407 29 70	— — — — Finger-jointed, whether or not planed or sanded
	— — — — Other:
4407 29 83	— — — — — Planed
4407 29 85	— — — — — Sanded
	Veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm:
	— Of tropical wood specified in subheading note 1 to this chapter:
4408 31	— — Dark red meranti and meranti bakau
	— — Other:
	— — — White lauan, sipo, limba, okoumé, obéché, acajou d'Afrique, sapelli, virola, mahogany (<i>Swietenia</i> spp.), palissandre de Rio, palissandre de Para and palissandre de Rose:
4408 39 11	— — — — Finger-jointed, whether or not planed or sanded
	— — — — Other:
4408 39 21	— — — — — Planed
4408 39 25	— — — — — Sanded
	— — — — — Other:
4408 39 31	— — — — — — Of a thickness not exceeding 1 mm
4408 39 35	— — — — — — Of a thickness exceeding 1 mm
	— — — Other:
4408 39 51	— — — — Finger-jointed, whether or not planed or sanded
	— — — — Other:
4408 39 61	— — — — — Planed
4408 39 65	— — — — — Sanded
	— — — — — Other:
	— — — — — Other:
	— — — — — — Of a thickness not exceeding 1 mm:
4408 39 81	— — — — — — — Makoré, iroko, tiama, mansonia, ilomba, dibétou, azobé, white meranti, white seraya, yellow meranti, alan, keruing, ramin, kapur, teak, jongkong, merbau, jelutong, kempas, imbuia and balsa
4408 39 89	— — — — — — — Other
	— — — — — — — Of a thickness exceeding 1 mm:
4408 39 91	— — — — — — — Makoré, iroko, tiama, mansonia, ilomba, dibétou, azobé, white meranti, white seraya, yellow meranti, alan, keruing, ramin, kapur, teak, jongkong, merbau, jelutong, kempas, imbuia and balsa
4408 39 99	— — — — — — — Other
	Plywood, veneered panels and similar laminated wood:
	— Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm:

CN code	Description of goods
(1)	(2)
4412 13	— — With at least one outer ply of tropical wood specified in subheading note 1 to this chapter
4412 22	— Other, with at least one outer ply of non-coniferous wood: — — With at least one ply of tropical wood specified in subheading note 1 to this chapter
4412 92	— Other: — — With at least one ply of tropical wood specified in subheading note 1 to this chapter
4414 00 10	Wooden frames for paintings, photographs, mirrors or similar objects: — Of tropical wood, as specified in additional note 2 to this chapter Builders' joinery and carpentry of wood, including cellular wood panels, assembled parquet panels, shingles and shakes: — Windows, french windows and their frames:
4418 10 10	— — Of tropical wood, as specified in additional note 2 to this chapter — Doors and their frames and thresholds:
4418 20 10	— — Of tropical wood, as specified in additional note 2 to this chapter Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94:
4420 10 11	— Statuettes and other ornaments, of wood: — — Of tropical wood, as specified in additional note 2 to this chapter — Other:
4420 90 11	— — Wood marquetry and inlaid wood: — — — Of tropical wood, as specified in additional note 2 to this chapter — — Other:
4420 90 91	— — — Of tropical wood, as specified in additional note 2 to this chapter
ex 9401 50 00	Seats of cane or bamboo
ex 9401 61 00	Other seats, upholstered, with wooden frames, of tropical wood, as specified in subheading note 1 to Chapter 44 Furniture of tropical wood, as specified in subheading note 1 to Chapter 44:
ex 9403 30	— Of a kind used in offices
ex 9403 40	— Of a kind used in the kitchen
ex 9403 50	— Of a kind used in the bedroom
ex 9403 60	— Other
ex 9403 90 30	Parts of furniture of subheadings 9403 30, 9403 40, 9403 50, 9403 60 and 9403 80 00, of tropical wood, as specified in subheading note 1 to Chapter 44, bamboo or cane

(¹) Subject to the rules for interpreting the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

COMMISSION REGULATION (EC) No 1155/98
of 3 June 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 4 June 1998.

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

Done at Brussels, 3 June 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 3 June 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	85,8
	999	85,8
0707 00 05	052	102,2
	068	64,4
	999	83,3
0709 90 70	052	69,2
	999	69,2
0805 30 10	382	58,4
	388	58,4
	999	58,4
0808 10 20, 0808 10 50, 0808 10 90	060	34,0
	388	70,7
	400	93,9
	404	91,5
	508	107,5
	512	75,1
	524	90,2
	528	80,1
	720	139,8
	804	107,0
	999	89,0

⁽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 1156/98

of 3 June 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 June 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,96	0,05	—
1703 90 00 ⁽¹⁾	8,28	—	0,00

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

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

COMMISSION REGULATION (EC) No 1157/98
of 3 June 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1073/98 ⁽³⁾, as amended by Regulation (EC) No 1108/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1073/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1073/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 June 1998.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 154, 28. 5. 1998, p. 5.

⁽⁴⁾ OJ L 157, 30. 5. 1998, p. 29.

ANNEX

to the Commission Regulation of 3 June 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	40,92 ⁽¹⁾
1701 11 90 9910	40,22 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,92 ⁽¹⁾
1701 12 90 9910	40,22 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4448
	— ECU/100 kg —
1701 99 10 9100	44,48
1701 99 10 9910	44,40
1701 99 10 9950	44,40
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4448

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

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

COMMISSION REGULATION (EC) No 1158/98**of 3 June 1998****fixing the maximum export refund for white sugar for the 41st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 41st partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 41st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 47,431 per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 June 1998.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 1159/98
of 3 June 1998
amending Regulation (EEC) No 1517/77 fixing the list of the various groups of
hop varieties cultivated in the Community

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by Regulation (EC) No 1554/97 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas Commission Regulation (EEC) No 1517/77 ⁽³⁾, as last amended by Regulation (EC) No 2265/96 ⁽⁴⁾, divides varieties of hops into 'aromatic hops', 'bitter hops' and 'others' according to commercial practice on the Community and world hops markets, with particular emphasis on the content of bitter and aromatic substances;

Whereas certain experimental varieties have now reached the stage where they can be marketed; whereas they

should accordingly be added to the Annex to Regulation (EEC) No 1517/77;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1517/77 is hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 175, 4. 8. 1971, p. 1.

⁽²⁾ OJ L 208, 2. 8. 1997, p. 1.

⁽³⁾ OJ L 169, 7. 7. 1977, p. 13.

⁽⁴⁾ OJ L 306, 28. 11. 1996, p. 23.

ANNEX

ANNEX

A. Group I: Aromatic hops	B. Group II: Bitter hops	C. Group III: Others
Aurora Bramling Cross Céleia Challenger Cicero First Gold Fuggles Goldings Hallertauer Hallertauer Hersbrücker Spät Hüller Malling Perle Phoenix Pioneer Progress Saaz Spalter Spalter Select Strisselspalt Tettnanger W.G.V.	Admiral Brewers Gold Buket Bullion Chinook Columbus H-3 Leones H-7 Leones Hallertauer Magnum Hallertauer Taurus Herald Northdown Northern Brewer Nugget Omega Orion Target Yeoman	Record Zenith Others, including experimental varieties'

COMMISSION REGULATION (EC) No 1160/98
of 2 June 1998
concerning the classification of certain goods in the Combined Nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 1048/98 ⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the Tariff and Statistical Nomenclature Section of the Customs Code Committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

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, 2 June 1998.

For the Commission
Mario MONTI
Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ L 151, 21. 5. 1998, p. 1.

ANNEX

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
1. Milk powder (0,6 % milk fat) containing between 2 and 27 million live lactic bacillus (<i>Streptococcus lactus</i>) per gram	0403 90 11	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 11 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
2. Mixture of lactose, caseins, albumins and globulins of milk and milkfat with sporulated micro-organisms (<i>Lactobacillus pentosus</i> and <i>Streptococcus lactus</i> , 50 to 100 million per gram), in powder, with the following characteristics (% by weight): — lactose: 39 — caseins: 22 — albumin/globulin of milk: 4 — ash: 6 — milkfat: 24 — water: 5	0403 90 13	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 13 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
3. Product consisting of milk powder with added lactic ferments (<i>Streptococcus lactus</i> and <i>Lactobacillus</i> , approximately 150 million per gram) and dead lactic yeast (<i>Kluveromyces lactis</i> and <i>Fragilis</i>) with the following characteristics (% by weight): — protein: 28 — dry matter: 95 - 96 — milkfat: 25 — lactose: 39	0403 90 13	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 13 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
4. Mixture of milk constituents with added sodium chloride and sodium citrate (2 %) and vitamins (0,2 %), with the following characteristics (% by weight): — dry matter: 95 — lactose: 56,5 — protein: 28,8 — milkfat: 1,1 — ash: 8	0404 90 21	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0404, 0404 90 and 0404 90 21 This product cannot be regarded as a prepared culture media for developing micro-organisms

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
5. Mixture of milk constituents with added sodium chloride and sodium citrate (4,5 %) and vitamins (0,2 %), with the following characteristics (% by weight): — dry matter: 96,2 — lactose: 59,7 — protein: 23,3 — milkfat: 0,9 — ash: 11,5	0404 90 21	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0404, 0404 90 and 0404 90 21 This product cannot be regarded as a prepared culture media for developing micro-organisms
6. Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % or higher and containing up to 20 % activated charcoal	2207 10 00	Classification is determined by General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2207 and 2207 10 00

COMMISSION REGULATION (EC) No 1161/98

of 3 June 1998

on the sale by tender of beef held by certain intervention agencies and intended for processing within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the application of intervention measures in respect of beef has created stocks in several Member States; whereas, in order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender for processing in the Community;

Whereas the sale should be made subject to the rules laid down by Commission Regulations (EEC) No 2173/79⁽³⁾, as last amended by Regulation (EC) No 2417/95⁽⁴⁾, (EEC) No 3002/92⁽⁵⁾, as last amended by Regulation (EC) No 770/96⁽⁶⁾ and (EEC) No 2182/77⁽⁷⁾, as last amended by Regulation (EC) No 2417/95, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas, with a view to ensuring a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Article 8(1) of Regulation (EEC) No 2173/79;

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 application of this point creates in the Member States concerned;

Whereas in order to ensure optimum monitoring of the destination of beef from intervention stocks, control measures should be taken, in addition to the measures provided for in Regulation (EEC) No 3002/92, which are based on physical inspection of quantities and qualities;

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 of:

- approximately 32 tonnes of bone-in forequarters and 53 tonnes of bone-in hindquarters held by the German intervention agency,
- approximately 54 tonnes of bone-in forequarters and 88 tonnes of bone-in hindquarters held by the Danish intervention agency,
- approximately 2 tonnes of bone-in forequarters and 2 tonnes of bone-in hindquarters held by the Austrian intervention agency,
- approximately 497 tonnes of bone-in forequarters and 715 tonnes of bone-in hindquarters held by the Spanish intervention agency,
- approximately 16,5 tonnes of boneless beef held by the United Kingdom intervention agency.

The products put up for sale have been bought into intervention in accordance with Article 1(c) of Commission Regulations (EC) No 1788/96⁽⁸⁾, (EC) No 1960/96⁽⁹⁾, (EC) No 2045/96⁽¹⁰⁾, (EC) No 2195/96⁽¹¹⁾, (EC) No 2301/96⁽¹²⁾ and (EC) No 2378/96⁽¹³⁾.

Detailed information concerning quantities is given in Annex I.

2. Subject to the provisions of this Regulation the products referred to in paragraph 1 shall be sold in accordance with Regulations (EEC) No 2173/79, in particular Titles II and III thereof, (EEC) No 2182/77 and (EEC) No 3002/92.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽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, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ L 233, 14. 9. 1996, p. 18.

⁽⁹⁾ OJ L 259, 12. 10. 1996, p. 1.

⁽¹⁰⁾ OJ L 274, 26. 10. 1996, p. 2.

⁽¹¹⁾ OJ L 293, 16. 11. 1996, p. 5.

⁽¹²⁾ OJ L 311, 30. 11. 1996, p. 43.

⁽¹³⁾ OJ L 325, 14. 12. 1996, p. 9.

Article 2

1. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and Annexes to this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies shall, in addition, display the notice referred to in paragraph 1 at their head offices and may publish it in other ways.

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

4. Only tenders which reach the intervention agencies concerned by 12 noon on 8 June 1998 shall be considered.

5. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 4.

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

7. Notwithstanding Article 17 of Regulation (EEC) No 2173/79, in the case of boneless beef, the quantity available for each cut shall constitute the minimum quantity to be tendered for.

Article 3

1. Member States shall provide the Commission with information concerning the tenders received not later than the working day following the deadline set for the submission of tenders.

2. After the tenders received have been examined a minimum selling price shall be set for each product or the sale will not proceed.

Article 4

1. A tender shall be valid only if presented by or on behalf of a natural or legal person who, for the 12 months prior to the entry into force of this Regulation, has been engaged in the processing of products containing beef and who is entered in a national VAT register. In addition, tenders must be presented by or on behalf of a

processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC⁽¹⁾.

2. Notwithstanding Article 3(1) and (2) of Regulation (EEC) No 2182/77, a tender must be accompanied by:

- a written undertaking by the tenderer to process the meat into the products specified in Article 5 within the period referred to in Article 5(1) of Regulation (EEC) No 2182/77,
- precise details of the establishment or establishments where the meat which has been purchased is to be processed.

3. The tenderers referred to in paragraph 1 may instruct an agent in writing to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the bids of the tenderers whom he represents together with the written instruction referred to above.

4. Notwithstanding Article 18(1) of Regulation (EEC) No 2173/79 the time limit for taking over meat sold pursuant to this Regulation shall be two months from the day of the notification referred to in Article 11 of the same Regulation.

5. The purchasers and agents referred to in the preceding paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view in particular to ensuring that the quantities of products purchased and manufactured tally.

Article 5

1. Meat purchased in accordance with this Regulation shall be processed into products which comply with the definitions for A products and B products set out in paragraphs 2 and 3.

2. An 'A' product means a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 %⁽²⁾ and containing by weight at least 20 %⁽³⁾ of lean meat excluding offal⁽⁴⁾ and fat with meat and jelly accounting for at least 85 % of the total net weight.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 85.

⁽²⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

⁽³⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1. 8. 1986, p. 39).

⁽⁴⁾ Offal includes the following heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus gland with pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

3. A 'B' product means a processed product containing beef, other than:

- one specified in Article 1(1)(a) of Regulation (EEC) No 805/68, or
- one referred to in paragraph 2.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B product.

Article 6

1. Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed in accordance with Article 5.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's recipe Member States shall undertake representative sampling and analysis of the product. The costs of such operations shall be borne by the processor concerned.

2. Member States may, at the request of the processor, authorise the boning of forequarters and hindquarters in an establishment other than that provided for in respect of processing provided the relevant operations take place in the same Member State under appropriate supervision.

3. Article 1 of Regulation (EEC) No 2182/77 shall not apply.

Article 7

1. The security provided for in Article 15(1) of Regulation (EEC) No 2173/79 shall be ECU 12 per 100 kilograms.

2. The security provided for in Article 4(1) of Regulation (EEC) No 2182/77 shall be:

- the difference in ecus between the tender price per tonne and ECU 1 800 for bone-in forequarters,
- the difference in ecus between the tender price per tonne and ECU 2 700 for bone-in hindquarters,
- the difference in ecus between the tender price per tonne and ECU 3 500 for boneless beef.

3. Notwithstanding Article 5(3) of Regulation (EEC) No 2182/77, the processing of all beef purchased into finished products as referred to in Article 5 shall constitute a principal requirement.

Article 8

Notwithstanding Article 9 of Regulation (EEC) No 2182/77, in addition to the entries provided for in Regulation (EEC) No 3002/92:

- Section 104 of T 5 control copies must be completed with one or more of the following:
 - Para transformación [Reglamentos (CEE) n° 2182/77 y (CE) n° 1161/98]
 - Til forarbejdning (forordning (EØF) nr. 2182/77 og (EF) nr. 1161/98)
 - Zur Verarbeitung bestimmt (Verordnungen (EWG) Nr. 2182/77 und (EG) Nr. 1161/98)
 - Για μεταποίηση [κανονισμοί (ΕΟΚ) αριθ. 2182/77 και (ΕΚ) αριθ. 1161/98]
 - For processing (Regulations (EEC) No 2182/77 and (EC) No 1161/98)
 - Destinés à la transformation [règlements (CEE) n° 2182/77 et (CE) n° 1161/98]
 - Destinate alla trasformazione [Regolamenti (CEE) n. 2182/77 e (CE) n. 1161/98]
 - Bestemd om te worden verwerkt (Verordeningen (EEG) nr. 2182/77 en (EG) nr. 1161/98)
 - Para transformação [Regulamentos (CEE) n° 2182/77 e (CE) n° 1161/98]
 - Jalostettavaksi (Asetukset (ETY) N:o 2182/77 ja (EY) N:o 1161/98)
 - För bearbetning (Förordningarna (EEG) nr 2182/77 och (EG) nr 1161/98),
- Section 106 of T 5 control copies must be completed with the date of conclusion of the contract of sale.

Article 9

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, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*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 (1)	Cantidad aproximada (toneladas)
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products (1)	Approximate quantity (tonnes)
État membre	Produits (1)	Quantité approximative (tonnes)
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)

a) **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**

DEUTSCHLAND	— Vorderviertel	32
	— Hinterviertel	53
DANMARK	— Forfjerdinger	54
	— Bagfjerdinger	88
ÖSTERREICH	— Vorderviertel	2
	— Hinterviertel	2
ESPAÑA	— Cuartos delanteros	497
	— Cuartos traseros	715

b) **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**

UNITED KINGDOM	— Intervention shank (INT 11)	1
	— Intervention thick flank (INT 12)	1,2
	— Intervention topside (INT 13)	1,8
	— Intervention silverside (INT 14)	1,6
	— Intervention rump (INT 16)	1
	— Intervention flank (INT 18)	2,5
	— Intervention forerib (INT 19)	0,8
	— Intervention shin (INT 21)	0,5
	— Intervention shoulder (INT 22)	2,5
	— Intervention brisket (INT 23)	1,1
	— Intervention forequarter (INT 24)	2,5

-
- (¹) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4. 9. 1993, p. 4), cuya última modificación la constituye el Reglamento (CE) n° 2602/97 (DO L 351 de 23. 12. 1997, p. 20).
- (¹) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4. 9. 1993, s. 4), senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23. 12. 1997, s. 20).
- (¹) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 der Kommission (ABl. L 225 vom 4. 9. 1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23. 12. 1997, S. 20).
- (¹) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4. 9. 1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23. 12. 1997, σ. 20).
- (¹) See Annexes V and VII to Commission Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).
- (¹) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4. 9. 1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2602/97 (JO L 351 du 23. 12. 1997, p. 20).
- (¹) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23. 12. 1997, pag. 20).
- (¹) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4. 9. 1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23. 12. 1997, blz. 20).
- (¹) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 da Comissão (JO L 225 de 4. 9. 1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2602/97 (JO L 351 de 23. 12. 1997, p. 20).
- (¹) Katso komission asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4. 9. 1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20) liitteet V ja VII.
- (¹) 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 2602/97 (EGT L 351, 23.12.1997, s. 20).
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*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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COMMISSION REGULATION (EC) No 1162/98
of 3 June 1998
amending the export refunds on poultrymeat

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

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 835/98 ⁽³⁾, as amended by Regulation (EC) No 873/98 ⁽⁴⁾;

Whereas it follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 835/98 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 4 June 1998.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ L 119, 22. 4. 1998, p. 10.

⁽⁴⁾ OJ L 124, 25. 4. 1998, p. 3.

ANNEX

to the Commission Regulation of 3 June 1998 amending the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 kg
0207 12 10 9900	02	28,00
0207 12 90 9190	02	28,00

⁽¹⁾ The destinations are as follows:

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran.

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

COMMISSION REGULATION (EC) No 1163/98

of 3 June 1998

fixing, for May 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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

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

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 59/97 ⁽⁶⁾, and in particular Article 1(3) thereof,

Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conver-

sion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for May 1998, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for May 1998 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 June 1998.

It shall apply with effect from 1 May 1998.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ L 14, 17. 1. 1997, p. 25.

ANNEX

to the Commission Regulation of 3 June 1998 fixing, for May 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,56225	Danish kroner
	1,98391	German marks
	349,703	Greek drachmas
	168,336	Spanish pesetas
	6,68769	French francs
	0,796521	Irish pound
	1 973,93	Italian lire
	2,23593	Dutch guilders
	13,9576	Austrian schillings
	203,183	Portuguese escudos
	6,02811	Finnish marks
	8,79309	Swedish kroner
	0,678539	Pound sterling

COMMISSION REGULATION (EC) No 1164/98**of 3 June 1998****altering the corrective amount applicable to the refund on cereals**

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

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1115/98 ⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 961/98 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 June 1998.

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

Done at Brussels, 3 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 157, 30. 5. 1998, p. 43.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 3 June 1998 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	+ 11,00	+ 9,00	+ 6,50	+ 2,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	+ 11,00	+ 11,00	+ 11,00	+ 11,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	- 20,00	- 20,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1101 00 15 9130	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1101 00 15 9150	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1101 00 15 9170	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1101 00 15 9180	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	- 7,00	- 7,00	- 7,00	- 7,00	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 57/96

of 28 October 1996

**amending Annex II (Technical regulations, standards, testing and certification)
and Annex XX (Environment) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 15/96 ⁽¹⁾;

Whereas Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 13/96 ⁽²⁾;

Whereas Council Regulation (EC) No 3093/94 repeals Council Regulation (EEC) No 594/91 of 4 March 1991 on substances that deplete the ozone layer ⁽³⁾;

Whereas Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer ⁽⁴⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 12 of Chapter XV of Annex II shall be deleted.

Article 2

The following point shall be inserted after point 21a (Council Directive 92/72/EEC) in Chapter III of Annex XX to the Agreement:

‘21aa. **394 R 3093:** Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer (OJ L 333, 22.12.1994, p. 1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

⁽¹⁾ OJ L 124, 23. 5. 1996, p. 17.

⁽²⁾ OJ L 124, 23. 5. 1996, p. 15.

⁽³⁾ OJ L 67, 14. 3. 1991, p. 1.

⁽⁴⁾ OJ L 333, 22. 12. 1994, p. 1.

- (a) in Article 3:
 - (i) the words “paragraphs 8 to 12” in paragraphs 1 to 6 shall be replaced by the words “paragraphs 8 to 10”,
 - (ii) in paragraph 7, the words “paragraphs 10 to 12” shall be replaced by the words “to paragraph 10”,
 - (iii) in paragraph 1, the third and fourth subparagraphs shall not apply,
 - (iv) in paragraphs 2 to 5 and 7, the second and third subparagraphs shall not apply,
 - (v) paragraphs 11 and 12 shall not apply;
- (b) in Article 4:
 - (i) the phrase “Subject to paragraph 10, each producer shall ensure that” in paragraphs 1 to 7 shall be replaced by the phrase “Each producer shall ensure that”;
 - (ii) in paragraph 8:
 - the reference to paragraph 10 shall not apply,
 - the last subparagraph of the first indent shall not apply,
 - the last subparagraph shall not apply,
 - (iii) paragraph 10 shall not apply;
- (c) chapter III shall not apply;
- (d) Articles 16 to 18 shall not apply;

The EFTA States shall, at national level, put into effect the measures necessary to comply with the corresponding provisions of the Montreal Protocol and with the corresponding measures in Council Regulation (EC) No 3093/94.’

Article 3

The texts of Council Regulation (EC) No 3093/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 4

This Decision shall enter into force on 1 November 1996, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

Article 5

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 28 October 1996.

For the EEA Joint Committee

The President

H. HAFSTEIN

DECISION OF THE EEA JOINT COMMITTEE

No 37/97

of 27 June 1997

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields
outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereafter referred to as the Agreement, and in particular Articles 86 and 98 thereof,

Whereas Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 83/96 ⁽¹⁾;

Whereas it is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include a multiannual Community programme to promote the linguistic diversity in the information society (Council Decision 96/664/EC) ⁽²⁾;

Whereas Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 1997,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in Article 2(5) of Protocol 31 to the Agreement:

‘— **396 D 0664:** Council Decision 96/664/EC of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (OJ L 306, 28.11.1996, p. 40).’

Article 2

This Decision shall enter into force on 1 July 1997, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee. It shall apply from 1 January 1997.

Article 3

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 27 June 1997.

For the EEA Joint Committee

The President

C. DAY

⁽¹⁾ OJ L 145, 5. 6. 1997, p. 52.

⁽²⁾ OJ L 306, 28. 11. 1996, p. 40.

DECISION OF THE EEA JOINT COMMITTEE

No 38/97

of 27 June 1997

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields
outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereafter referred to as the Agreement, and in particular Articles 86 and 98 thereof,

Whereas Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 8/94⁽¹⁾;

Whereas it is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include the third multiannual programme for small and medium-sized enterprises (1997-2000) (Council Decision 97/15/EC)⁽²⁾;

Whereas Protocol 31 to the Agreement should therefore be amended in order to allow for this cooperation to take place from 1 January 1997,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be inserted in Article 7(5) of Protocol 31 to the Agreement after the first indent (Council Decision 93/379/EEC):

‘— **397 D 0015:** Council Decision 97/15/EC of 9 December 1996 on a third multi-annual programme for small and medium-sized enterprises (SMEs) in the European Union (1997 to 2000) (OJ L 6, 10.1.1997, p. 25).’

Article 2

This Decision shall enter into force on 1 July 1997, provided that all the notifications under Article 103(1) of the Agreement have been made to EEA Joint Committee. It shall apply from 1 January 1997.

Article 3

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 27 June 1997.

For the EEA Joint Committee

The President

C. DAY

⁽¹⁾ OJ L 198, 30. 7. 1994, p. 142.

⁽²⁾ OJ L 6, 10. 1. 1997, p. 25.

DECISION OF THE EEA JOINT COMMITTEE**No 83/97****of 31 October 1997****amending Annex XIII (Transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 18/97 ⁽¹⁾;

Whereas Commission Directive 97/15/EC of 25 March 1997 adopting Eurocontrol standards and amending Council Directive 93/65/EEC on the definition and use of compatible technical specifications for the procurement of air-traffic-management equipment ⁽²⁾ is to be incorporated into the Agreement;

Whereas adaptation (a) to Council Directive 93/65/EEC in Annex XIII to the Agreement is to be amended,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 66c (Council Directive 93/65/EEC) in Annex XIII to the Agreement:

‘, as amended by:

— **397 L 0015:** Commission Directive 97/15/EC of 25 March 1997 (OJ L 95, 10.4.1997, p. 16).’

Article 2

Adaptation (a) in point 66c (Council Directive 93/65/EEC) in Annex XIII to the Agreement shall be replaced by the following:

‘(a) the list set out in Annex II shall be supplemented as follows:

Norway
Luftfartsverket
Postboks 8124 Dep
N-0032 Oslo

Oslo Lufthavn A/S
Postboks 100
N-2060 Gardermoen’.

Article 3

The texts of Directive 97/15/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 4

This Decision shall enter into force on 1 November 1997, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

⁽¹⁾ OJ L 182, 10. 7. 1997, p. 52.

⁽²⁾ OJ L 95, 10. 4. 1997, p. 16.

Article 5

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 31 October 1997.

For the EEA Joint Committee

The President

E. BULL

DECISION OF THE EEA JOINT COMMITTEE

No 84/97

of 12 November 1997

amending Annex XIV (Competition) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas Annex XIV to the Agreement was amended by Decision of the EEA Joint Committee No 12/97 ⁽¹⁾;

Whereas Commission Regulations (EEC) No 1983/83 ⁽²⁾ and (EEC) No 1984/83 ⁽³⁾ of 22 June 1983 on the application of Article 85(3) of the EC Treaty to categories of exclusive distribution and exclusive purchasing agreements respectively, are already part of the Agreement;

Whereas, however, as the period of validity of Regulations (EEC) No 1983/83 and (EEC) No 1984/83 expires on 31 December 1997, the Commission has decided to amend the Regulations by extending their period of validity until 31 December 1999;

Whereas, in order to maintain legal certainty of undertakings and a homogeneous European Economic Area, Commission Regulation (EC) No 1582/97 of 30 July 1997 amending Regulations (EEC) No 1983/83 and (EEC) No 1984/83 on the application of Article 85(3) of the Treaty to categories of exclusive distribution agreements and exclusive purchasing agreements respectively ⁽⁴⁾, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Point 2 (Commission Regulation (EEC) No 1983/83) of Annex XIV to the Agreement shall be amended as follows:

1. The following indent shall be added:

‘— **397 R 1582:** Commission Regulation (EC) No 1582/97 of 30 July 1997 (OJ L 214, 6.8.1997, p. 27).’

2. Adaptation (e) shall be deleted.

Article 2

Point 3 (Commission Regulation (EEC) No 1984/83) of Annex XIV to the Agreement shall be amended as follows:

1. The following indent shall be added:

‘— **397 R 1582:** Commission Regulation (EC) No 1582/97 of 30 July 1997 (OJ L 214, 6.8.1997, p. 27).’

2. Adaptation (e) shall be deleted.

Article 3

The texts of Commission Regulation (EC) No 1582/97 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

⁽¹⁾ OJ L 182, 10. 7. 1997, p. 42.

⁽²⁾ OJ L 173, 30. 6. 1983, p. 1.

⁽³⁾ OJ L 173, 30. 6. 1983, p. 5.

⁽⁴⁾ OJ L 214, 6. 8. 1997, p. 27.

Article 4

This Decision shall enter into force on 13 November 1997, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

Article 5

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 12 November 1997.

For the EEA Joint Committee

The President

E. BULL

DECISION OF THE EEA JOINT COMMITTEE

No 85/97

of 12 November 1997

amending Annex XV (State aid) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as the Agreement, and in particular Article 98 thereof,

Whereas Annex XV to the Agreement was last amended by Decision of the EEA Joint Committee No 58/96 ⁽¹⁾;

Whereas Council Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding ⁽²⁾, as amended by Regulation (EC) No 1904/96 ⁽³⁾, incorporating the Community's obligations under the OECD Agreement respecting normal competitive conditions in the commercial shipbuilding and repair industry, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 1 b (Council Directive 90/684/EEC) of Annex XV to the Agreement:

'1c. **395 R 3094:** Council Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding (OJ L 332, 30.12.1995, p. 1), as amended by:

— **396 R 1904:** Council Regulation (EC) No 1904/96 of 27 September 1996 amending Regulation (EC) No 3094/95 on aid to shipbuilding (OJ L 251, 3.10.1996, p. 5).

The provisions of the Regulation shall for the purposes of the present Agreement, be read with the following adaptations:

- (a) "Article 92 of the Treaty" shall read "Article 61 of the EEA Agreement";
- (b) "Article 93 of the Treaty" shall read "Article 62 of the EEA Agreement";
- (c) in Article 7(1) and 7(2) the term "compatible with the common market" shall read "compatible with the functioning of this Agreement";
- (d) in Article 7(1) the second sentence shall not apply;
- (e) in Article 7(2) the second sentence shall not apply;
- (f) Article 7(3) shall not apply.'

Article 2

The texts of Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding and Regulation (EC) No 1904/96 of 27 September 1996 amending that regulation, in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

⁽¹⁾ OJ L 182, 10. 7. 1997, p. 28.

⁽²⁾ OJ L 332, 30. 12. 1995, p. 1.

⁽³⁾ OJ L 251, 3. 10. 1996, p. 5.

Article 3

This Decision shall enter into force on 13 November 1997 provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 12 November 1997.

For the EEA Joint Committee

The President

E. BULL

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 44/98 of 8 January 1998 establishing, for 1998, the list of vessels exceeding eight metres length overall permitted to fish for sole in certain Community areas using beam trawls whose aggregate length exceeds nine metres

(Official Journal of the European Communities L 5 of 9 January 1998)

In the Annex:

On page 26, Denmark

Name of vessel	<i>for:</i>	<i>read:</i>
Helle Nymann	220	221

On page 27, Germany

Name of vessel	<i>for:</i>	<i>read:</i>
Komet	DCHI	DCWK
Jan Jansen Bruhns	DCSM	DCSR
Seehund	Spieka	Cuxhaven
Osteriff	DFNZ	DDGE
Seestern		DB 2505

On page 28, Germany

Name of vessel	<i>for:</i>	<i>read:</i>
Luise	DIJK	DIYK
	145	184
Gesine Albrecht	191	220
Sperber	HAR 8	HAR 3
De Liekedeelers	136	184
Zukunft	162	184
Falke	DCGX	DCGQ

On page 29, Germany

Name of vessel	<i>for:</i>	<i>read:</i>
Nordlicht	110	126
Nordmeer	110	206
Annemarie	132	176
Jan	POG 2	POG 1
Condor	159	184
Gaby Egel	183	221
Joke Sabine	184	221
Klaus Groth I	184	221

On page 30, Germany

Name of vessel	<i>for:</i>	<i>read:</i>
Hoffnung	140	151
Rugenort	165	184
Christine	138	184
Keen Tied	146	184
Möwe	145	184
Karolin	99	184

Corrigendum to Commission Decision 97/524/EC of 9 July 1997 on a common technical regulation for the telephony application requirements for digital enhanced cordless telecommunications (DECT) (edition 2)

(Official Journal of the European Communities L 215 of 7 August 1997)

On page 51, the harmonised standard referred to in the Annex should be replaced by the following:

'Radio equipment and systems (RES); digital enhanced cordless telecommunications (DECT); general terminal attachment requirements; telephony applications'.

Corrigendum to Commission Decision 97/525/EC of 9 July 1997 on a common technical regulation for the attachment requirements for terminal equipment for digital enhanced cordless telecommunications (DECT) generic access profile (GAP) applications

(Official Journal of the European Communities L 215 of 7 August 1997)

On page 53, the harmonised standard referred to in the Annex should be replaced by the following:

'Radio equipment and systems (RES); attachment requirements for terminal equipment for digital enhanced cordless telecommunications (DECT) generic access profile (GAP) applications'.
