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Commission

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1340/98**of 24 June 1998****amending Regulation (EC) No 3290/94 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations ⁽¹⁾, and in particular Article 3(2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 of Regulation (EC) No 3290/94 authorises the Commission to adopt the measures required to facilitate the switch-over from the arrangements existing before implementation of the results of the Uruguay Round negotiations to those resulting from the adjustments to agricultural legislation provided for in the abovementioned Regulation; whereas such transitional measures may be adopted only up to 30 June 1998 and may not apply beyond that date; whereas it transpires that certain matters which are currently regulated by trans-

itional measures cannot be settled definitively before the above date; whereas these matters concern in particular certain arrangements entered into with third countries; whereas it is therefore necessary to extend by one year the period during which the Commission may adopt transitional measures,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(2) of Regulation (EC) No 3290/94, the date '30 June 1998' shall be replaced by '30 June 1999'.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Luxembourg, 24 June 1998.

For the Council

The President

J. CUNNINGHAM

⁽¹⁾ OJ L 349, 31. 12. 1994, p. 105. Regulation as amended by Regulation (EC) No 1161/97 (OJ L 169, 27. 6. 1997, p. 1).

COMMISSION REGULATION (EC) No 1341/98
of 26 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 27 June 1998.

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

Done at Brussels, 26 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 26 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	052	47,7
	628	39,5
	999	43,6
0707 00 05	052	70,6
	999	70,6
0709 90 70	052	53,0
	628	98,7
	999	75,8
0805 30 10	382	61,0
	388	61,0
	524	57,0
	528	63,9
	999	60,7
0808 10 20, 0808 10 50, 0808 10 90	388	68,0
	400	86,1
	404	99,8
	508	111,8
	512	78,7
	524	57,5
	528	70,9
	720	165,6
	800	162,3
	804	109,0
	999	101,0
	999	169,4
0809 10 00	052	169,4
	999	169,4
0809 20 95	052	260,9
	060	158,2
	064	183,2
	068	119,1
	400	332,6
	616	201,6
	999	209,3
0809 40 05	624	278,2
	999	278,2

⁽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 1342/98
of 26 June 1998
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 1110/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 157, 30. 5. 1998, p. 33.

ANNEX

to the Commission Regulation of 26 June 1998 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	23,00
Barley	(1003 00 90)	48,00
Maize	(1005 90 00)	35,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	48,00

COMMISSION REGULATION (EC) No 1343/98
of 26 June 1998
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 1111/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 157, 30. 5. 1998, p. 35.

ANNEX

to the Commission Regulation of 26 June 1998 amending Regulation (EEC)
No 1833/92 setting the amounts of aid for the supply of cereals products from the
Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	23	23
Barley (1003 00 90)	48	48
Maize (1005 90 00)	35	35
Durum wheat (1001 10 00)	8	8

COMMISSION REGULATION (EC) No 1344/98
of 26 June 1998

**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments ⁽¹⁾, as last amended by
Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article
2 (6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No 391/
92 ⁽³⁾, as last amended by Regulation (EC) No 1109/98 ⁽⁴⁾;
whereas, as a consequence of the changes of the rates and
prices for cereals products in the European part of the
Community and on the world market, the aid for supply

to the FOD should be set at the amounts given in the
Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 157, 30. 5. 1998, p. 31.

ANNEX

to the Commission Regulation of 26 June 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	26,00	26,00	26,00	29,00
Barley (1003 00 90)	51,00	51,00	51,00	54,00
Maize (1005 90 00)	38,00	38,00	38,00	41,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1345/98**of 26 June 1998****fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 July 1998.

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

Done at Brussels, 26 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 26 June 1998 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	20,00
1002 00 00 9000	45,00
1003 00 90 9000	45,00
1004 00 00 9400	45,00
1005 90 00 9000	32,00
1006 30 92 9100	137,00
1006 30 92 9900	137,00
1006 30 94 9100	137,00
1006 30 94 9900	137,00
1006 30 96 9100	137,00
1006 30 96 9900	137,00
1006 30 98 9100	137,00
1006 30 98 9900	137,00
1006 40 00 9000	—
1007 00 90 9000	32,00
1101 00 15 9100	23,00
1101 00 15 9130	23,00
1102 20 10 9200	48,16
1102 20 10 9400	41,28
1102 30 00 9000	—
1102 90 10 9100	60,36
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	61,92
1103 14 00 9000	—
1104 12 90 9100	47,76
1104 21 50 9100	80,48

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

COMMISSION REGULATION (EC) No 1346/98**of 26 June 1998****fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, and in particular the second subparagraph of Article 13 (3) thereof,

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

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 275 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation

(EC) No 444/98 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1998.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 56, 26. 2. 1998, p. 12.

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

Done at Brussels, 26 June 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 26 June 1998 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 9000	01	24,00	1006 30 65 9900	01	30,00
1006 20 13 9000	01	24,00		04	30,00
1006 20 15 9000	01	24,00	1006 30 67 9100	05	36,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	24,00	1006 30 92 9100	01	30,00
1006 20 94 9000	01	24,00		02	36,00
1006 20 96 9000	01	24,00		03	41,00
1006 20 98 9000	—	—		04	30,00
1006 30 21 9000	01	24,00	1006 30 92 9900	01	30,00
1006 30 23 9000	01	24,00		04	30,00
1006 30 25 9000	01	24,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	30,00
1006 30 42 9000	01	24,00		02	36,00
1006 30 44 9000	01	24,00		03	41,00
1006 30 46 9000	01	24,00		04	30,00
1006 30 48 9000	—	—	1006 30 94 9900	01	30,00
1006 30 61 9100	01	30,00		04	30,00
	02	36,00	1006 30 96 9100	01	30,00
	03	41,00		02	36,00
	04	30,00		03	41,00
1006 30 61 9900	01	30,00		04	30,00
	04	30,00	1006 30 96 9900	01	30,00
1006 30 63 9100	01	30,00		04	30,00
	02	36,00		—	—
	03	41,00	1006 30 98 9100	05	36,00
	04	30,00	1006 30 98 9900	—	—
1006 30 63 9900	01	30,00	1006 40 00 9000	—	—
	04	30,00			
1006 30 65 9100	01	30,00			
	02	36,00			
	03	41,00			
	04	30,00			

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

(2) Refunds fixed under the procedure laid down in Article 7(4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 275 tonnes.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 1347/98

of 26 June 1998

amending Regulation (EEC) No 2225/92 on the detailed rules for the implementation of the specific arrangements for the supply of hops to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 2225/92 ⁽³⁾, as last amended by Regulation (EC) No 1201/97 ⁽⁴⁾, sets the quantity of hops in the forecast supply balance which qualifies for exemption from customs duty on import or for Community aid for products coming from the rest of the Community and the amount thereof; whereas that quantity should be established for the period 1 July 1998 to 30 June 1999;

Whereas hops are not eligible for the supply arrangements for the Azores since they are not included on the restrictive list in Annex I to Regulation (EEC) No 1600/92; whereas, as a result, the reference to the Azores in the title of Regulation (EEC) No 2225/92 should be deleted;

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

Article 1

Regulation (EEC) No 2225/92 is hereby amended as follows:

1. the title is replaced by the following:

‘Commission Regulation (EEC) No 2225/92 of 31 July 1992 on detailed rules for the application of the specific arrangements for the supply of hops to Madeira’;

2. Article 1 is replaced by the following:

Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1600/92, the quantity of hops covered by CN code 1210 in the forecast supply balance qualifying for exemption from customs duty when imported directly into Madeira or for Community aid for products coming from the rest of the Community shall be five tonnes for the period 1 July 1998 to 30 June 1999.’

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 218, 1. 8. 1992, p. 91.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 23.

COMMISSION REGULATION (EC) No 1348/98

of 26 June 1998

amending Regulation (EEC) No 2224/92 on the detailed rules for the implementation of the specific arrangements for the supply of hops to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 3(4) thereof,

Whereas Commission Regulation (EEC) No 2224/92⁽³⁾, as last amended by Regulation (EC) No 1200/97⁽⁴⁾, sets the quantity of hops in the forecast supply balance which qualifies for exemption from the customs duty on imports or for Community aid for products coming from the rest of the Community and the amounts thereof; whereas that quantity and the aid for the period 1 July 1998 to 30 June 1999 should be determined;

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

Article 1

Article 1 of Regulation (EEC) No 2224/92 is hereby replaced by the following:

'Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantity of hops covered by CN code 1210 in the forecast supply balance qualifying for exemption from customs duty on direct imports into the Canary Islands or for Community aid for products coming from the rest of the Community shall be 50 tonnes for the period 1 July 1998 to 30 June 1999.'

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 218, 1. 8. 1992, p. 89.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 22.

COMMISSION REGULATION (EC) No 1349/98
of 26 June 1998
on the supply of white sugar as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied pursuant to Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is

necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 186/97
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Haiti
5. **Product to be mobilised:** white sugar
6. **Total quantity (tonnes net):** 90
7. **Number of lots:** one
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(1))
9. **Packaging** ⁽⁷⁾ ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (11.2.A(1)(b), (2)(b) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** sugar produced in the Community in accordance with the sixth subparagraph of Article 24(1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 3 — 23.8.1998
 - second deadline: 17.8 — 6.9.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.7.1998
 - second deadline: 27.7.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁹⁾: periodic refund applicable to white sugar on 17.6.1998, fixed by Commission Regulation (EC) No 1201/98 (OJ L 166, 11.6.1998, p. 8)

Notes:

- (¹) Supplementary information: André Debongnie (Tel. (32 2) 295 14 65)
Torben Vestergaard (Tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁶) Notwithstanding OJ C 114, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

(⁸) Shipment to take place in 20-foot containers, condition FCL/FCL (each containing 18 tonnes net).
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁹) The rule provided at the second indent of Article 18(2)(a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27.9.1977, p. 12), as last amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16), is binding for determination of the sugar category.
-

COMMISSION REGULATION (EC) No 1350/98
of 26 June 1998
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied pursuant to Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is

necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action Nos:** 730/96 (A1); 183/97 (A2)
2. **Beneficiary** ^(?): Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** A1: Mali; A2: Haiti
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 70
7. **Number of lots:** one in two parts (A1: 30 tonnes; A2: 40 tonnes)
8. **Characteristics and quality of the product** ^(?) ^(?): see OJ C 114, 29.4.1991, p. 1 (I.B(1))
9. **Packaging** ^(?): see OJ C 267, 13.9.1996, p. 1 (6.3.A and B(2))
10. **Labelling or marking** ^(?): see OJ C 114, 29.4.1991, p. 1 (I.B(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 3 — 23.8.1998
 - second deadline: 17.8 — 6.9.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.7.1998
 - second deadline: 27.7.1998
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ^(?): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ^(?): refund applicable on 17.6.1998, fixed by Commission Regulation (EC) No 1089/98 (OJ L 155, 29.5.1998, p. 26)

Notes:

- (¹) Supplementary information: André Debongnie (Tel.: (32 2) 295 14 65)
Torben Vestergaard (Tel.: (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114, point IA(3)(c) is replaced by the following: 'the words "European Community".'
- (⁷) Shipment to take place in 20-foot containers, condition FCL/FCL (A2: each containing 15 tonnes net).
- The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
-

COMMISSION REGULATION (EC) No 1351/98
of 26 June 1998
on the supply of fishery products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated fishery products to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is necessary to specify

the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Fishery products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 190/97
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland
tel.: (31 70) 330 57 57; fax: 364 17 01; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Haiti
5. **Product to be mobilised:** sardines (*sardina pilchardus Walbaum*)
6. **Total quantity (tonnes net):** 30
7. **Number of lots:** one
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: tinned headless sardines in vegetable oil, 1997 or 1998 fishing, CN code 1604 13 19
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (14.0.A, B and C(2))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (VIII.A(3))
 - Language to be used for the markings: French ('maquereaux' must be replaced by 'sardines')
 - Supplementary markings: 'Date d'expiration:...' (date of manufacture plus two years)

In case the required markings cannot be printed on the tins, they must be printed either on an outer packaging of each tin or on self-adhesive labels fixed on the tins. The expiry date and the date of manufacture shall be printed on the tins and not on the self-adhesive labels
11. **Method of mobilisation of the product:** the Community market
The products must originate from the Community.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 10 — 30.8.1998
 - second deadline: 24.8 — 13.9.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 13.7.1998
 - second deadline: 27.7.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (Tel. (32 2) 295 14 65)
Torben Vestergaard (Tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate (+ expiry date).
- (⁵) Notwithstanding OJ C 114, point VIII.A(3)(c) is replaced by the following: 'the words "European Community"'.

(⁶) Shipment to take place in 20-foot containers, FCL/FCL. The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The beneficiary will be responsible for all subsequent loading costs, including the cost of moving the container from the container terminal.
- The supplier must submit to the beneficiary's agent a complete packing list of each container, specifying the number of metal canisters belonging to each action number as specified in the invitation to tender notice.
- The supplier must seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
-

COMMISSION REGULATION (EC) No 1352/98

of 26 June 1998

amending Regulation (EC) No 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as amended by Regulation (EC) No 1097/98 ⁽²⁾, and in particular the first indent of Article 8(3) thereof,

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994, laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, lays down the rules for the assimilation of certain milk products to whole-milk powder; whereas these rules need to be adjusted in order to rebalance the rates of refund applicable to the various milk products which can be used and to take account of the classification of the milk products in the Combined Nomenclature;

Whereas simplifying the list of basic products permits greater flexibility in the management and use of certificates; whereas the necessary conversion rules need to be laid down for basic products removed from the list;

Whereas refunds for sugar products covered by the common organisation of the market in sugar must be set according to their sugar content; whereas assimilation rules should therefore be laid down which take account of the relative levels of the refund applicable to these products when exported unprocessed and the refund applicable to white sugar exported unprocessed in small quantities not covered by the arrangements for invitations to tender;

Whereas the rates of refund should be set every month within the limit of the maximum refund laid down by the second subparagraph of Article 13(1) of Council Regulation (EC) No 1766/92 ⁽⁵⁾, as last amended by Commission

Regulation (EC) No 923/96 ⁽⁶⁾, and by the other Regulations referred to in Article 1 of Regulation (EC) No 1222/94; whereas these maximum rates generally apply from the end of the month preceding the month in which the rate of the export refunds for the same products exported in the form of goods not covered by Annex II to the Treaty are set; whereas the rates of refund for agricultural products exported in the form of goods not covered by Annex II to the Treaty should accordingly be published with the same regularity as the rates for agricultural products exported in the most similar forms which are still covered by Annex II to the Treaty;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee on Horizontal Questions concerning Trade in Processed Agricultural Products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1222/94 is amended as follows:

1. In Article 1(2)(d) and (e), the amount '40 %' shall be replaced by '45 %'.
2. In Article 1(2), the current subparagraph (g) shall be deleted and the following subparagraphs shall be inserted:
 - '(g) husked rice falling within CN code 1006 20 shall be assimilated to wholly milled rice, falling within CN code 1006 30;
 - (h) — raw cane or beet sugar falling within CN code 1701 11 90 or 1701 12 90 containing, in the dry state, 92 % or more by weight of sucrose, determined by the polarimetric method,
 - sugar falling within CN codes 1701 91 00 or 1701 99 90,
 - the products referred to in Article 1(1)(d) of Regulation (EEC) No 1785/81 ^(*),
 - the products referred to in Article 1(1)(f) and (g) of Regulation (EEC) No 1785/81 ^(*),

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 157, 30. 5. 1998, p. 1.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽⁶⁾ OJ L 126, 24. 5. 1996, p. 37.

and

- the products referred to in Article 1(1)(h) of Regulation (EEC) No 1785/81

which meet the conditions of eligibility for a refund laid down in Regulation (EEC) No 1785/81 and in Regulation (EC) No 2135/95^(*) when exported unprocessed shall be assimilated to white sugar falling within CN code 1701 99 10;

(*) Excluding mixtures obtained partly using products covered by Regulation (EEC) No 1766/92.

(**) OJ L 214, 8. 9. 1995, p. 16.

3. In the fifth and sixth indents of Article 3(1)(a), the amount '26 %' shall be replaced by '27 %'.

4. The following indents shall be added to Article 3(1)(a):

— 77,5 kg of wholly milled round grain rice shall correspond to 100 kg of the husked round grain rice referred to in paragraph 2(g),

— 69 kg of wholly milled long grain rice shall correspond to 100 kg of the husked medium grain or long grain rice referred to in Article 1(2)(g),

— 92 kg of white sugar shall correspond to 100 kg of the raw sugar referred to in the first indent of Article 1(2)(h),

— 1 kg of white sugar shall correspond to 100 kg of the sugar referred to in the second indent of Article 1(2)(h) per 1 % of sucrose,

9. In Annex E:

- (a) the following lines are inserted:

CN code	Processed agricultural product	Coefficient to be applied	Basic product
'ex 1101	Common wheat or meslin flour with an ash content of between:		
	— up to and including 900 mg per 100 g	1,33	common wheat
	— above 900 but not exceeding 1 900 mg per 100 g	1,09	common wheat
1102 10	Rye flour with an ash content of between:		
	— up to and including 1 400 mg per 100 g	1,37	rye
	— above 1 400 but not exceeding 2 000 mg per 100 g	1,08	rye
1103 11 10	Durum wheat groats and meal	1,42	durum wheat
1103 11 90	Common wheat groats and meal with an ash content of between 0 and 600 mg per 100 g	1,37	common wheat'

— 1 kg of white sugar shall correspond to 100 kg of one of the products referred to in the third indent of Article 1(2)(h) meeting the conditions laid down in Article 3 of Regulation (EC) No 2135/95, per 1 % of sucrose (plus, where applicable, the content of other sugars calculated in sucrose equivalent) determined in accordance with the said Article 3,

— 100 kg of white sugar shall correspond to 100 kg of dry matter (determined in accordance with Article 5 of Regulation (EC) No 2135/95) contained in the isoglucose or isoglucose syrup referred to in the fourth indent of Article 1(2)(h) meeting the conditions laid down in Article 5 of Regulation (EC) No 2135/95,

— 100 kg of white sugar shall correspond to 100 kg of the dry matter of one of the products referred to in the fifth indent of Article 1(2)(h) meeting the conditions of Article 6 of Regulation (EC) No 2135/95.'

5. Article 3(1)(b)(ii) is deleted.

6. The first subparagraph of Article 4(1) is replaced by the following:

'1. The rate of refund shall be fixed each month per 100 kg of basic products in accordance with Article 13(3) of Regulation (EEC) No 1766/92 and the corresponding Articles of the other Regulations referred to in Article 1(1).'

7. The fourth indent of Article 5(2) is deleted.

8. Annex A is replaced by the text annexed to this Regulation.

- (b) the line relating to CN code 2302 30 (bran, sharps and other residues, whether or not in the form of pellets, deriving from the sifting, milling or other working of wheat) is deleted.

Article 2

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

It shall apply with effect from 1 October 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

ANNEX A

CN code	Description
ex 0402 10 19	Milk powder, in granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content by weight not exceeding 1,5 % (PG 2)
ex 0402 21 19	Milk powder, in granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content by weight of 26 % (PG 3)
ex 0404 10 02 to ex 0404 10 16	Whey, in powder, granules or other solid forms, not containing added sugar or other sweetening matter (PG 1)
ex 0405 10	Butter of a fat content of 82 % (PG 6)
ex 0407 00 30	Poultry eggs in shell, fresh or preserved, other than eggs for hatching
ex 0408	Eggs not in shell, and egg yolks, suitable for human consumption, fresh, dried, frozen or otherwise preserved, not sweetened
1001 10 00	Durum wheat
1001 90 99	Common wheat and meslin, other than for sowing
1002 00 00	Rye
1003 00 90	Barley, other than for sowing
1004 00 00	Oats
1005 90 00	Maize, other than for sowing
ex 1006 30	Wholly milled rice
1006 40 00	Broken rice
1007 00 90	Grain sorghum, other than hybrids, for sowing
1701 99 10	White sugar
ex 1702 19 00	Lactose, containing, in the dry state, 98,5 % by weight of the pure product (PG 12)
1703	Molasses resulting from the extraction or refining of sugar'

COMMISSION REGULATION (EC) No 1353/98
of 26 June 1998
amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 707/98 ⁽⁴⁾, establishes an agricultural product nomenclature for export refunds based on the Combined Nomenclature; whereas the footnotes to Sector 9 of the Annex to that Regulation lay down rules to be followed when granting and calculating refunds on milk and milk products;

Whereas Regulation (EC) No 707/98 amends the method of calculating refunds on certain sweetened condensed milk; whereas calculation is now based on a standard composition of 60 % milk and 40 % sucrose; whereas it transpires that the composition of certain products has been specifically formulated to obtain an abnormally high refund amount; whereas, as a result, the agricultural product refund nomenclature should be adjusted by laying down a minimum sucrose content for the products concerned;

Whereas certain provisions in the footnotes give rise to different interpretations; whereas those provisions should be clarified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Sector 9 of the Annex to Regulation (EEC) No 3846/87 is hereby amended as follows:

1. The particulars relating to CN codes 0402 99, 0404 90 81 and 0404 90 83 are replaced by those in Annex I hereto.
2. Footnotes 4 and 14 are replaced by the footnotes in Annex II hereto.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.
⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.
⁽⁴⁾ OJ L 98, 31. 3. 1998, p. 11.

ANNEX I

CN code	Description of goods	Product code
0402 99	— — Other ⁽¹⁴⁾ :	
	— — — Of a fat content, by weight, not exceeding 9,5 %:	
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 11 9110
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130
	— — — — — — Exceeding 6,9 %	0402 99 11 9150
	— — — — — Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 11 9310
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330
	— — — — — — Exceeding 6,9 %	0402 99 11 9350
0402 99 19	— — — — Other:	
	— — — — — Of a non-fat lactic dry matter content of less than 15 %, and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 19 9110
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130
	— — — — — — Exceeding 6,9 %	0402 99 19 9150
	— — — — — Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:	
	— — — — — — Not exceeding 3 %	0402 99 19 9310
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330
	— — — — — — Exceeding 6,9 %	0402 99 19 9350
	— — — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:	
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:	
	— — — — — Of a fat content, by weight, not exceeding 21 %:	
	— — — — — — Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110
	— — — — — — Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150
	— — — — — Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300
	— — — — — Of a fat content, by weight, exceeding 39 %	0402 99 31 9500
0402 99 39	— — — — Other:	
	— — — — — Of a fat content, by weight, not exceeding 21 %:	
	— — — — — — Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110
	— — — — — — Of a sucrose content of 40 % or more by weight and of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150
	— — — — — Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300
	— — — — — Of a fat content, by weight, exceeding 39 %	0402 99 39 9500
	— — — — Of a fat content, by weight, exceeding 45 %:	
0402 99 91	— — — — In immediate packing not exceeding 2,5 kg	0402 99 91 9000

CN code	Description of goods	Product code
0402 99 99	— — — — Other	0402 99 99 9000
	— — Other, of a fat content by weight:	
0404 90 81	— — — Not exceeding 1,5 %:	
	— — — — In powder or granules ⁽⁴⁾	0403 90 81 9100
	— — — — Other, of a non-fat lactic dry matter content:	
	— — — — — Of less than 15 % by weight ⁽⁴⁾	0403 90 81 9910
	— — — — — Of 15 % or more by weight and of a sucrose content of 40 % or more by weight ⁽⁴⁾	0403 90 81 9950
ex 0404 90 83	— — — Exceeding 1,5 % but not exceeding 27 %:	
	— — — — In powder or granules ⁽⁴⁾ :	
	— — — — — Of a fat content by weight:	
	— — — — — — Not exceeding 11 %	0404 90 83 9110
	— — — — — — Exceeding 11 % but not exceeding 17 %	0404 90 83 9130
	— — — — — — Exceeding 17 % but not exceeding 25 %	0404 90 83 9150
	— — — — — — Exceeding 25 %	0404 90 83 9170
	— — — — Other than in powder or granules:	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % by weight and a fat content by weight ⁽⁴⁾ :	
	— — — — — — Not exceeding 3 %	0404 90 83 9911
	— — — — — — Exceeding 3 % but not exceeding 6 %	0404 90 83 9913
	— — — — — — Exceeding 6 % but not exceeding 10 %	0404 90 83 9915
	— — — — — — Exceeding 10 % but not exceeding 17 %	0404 90 83 9917
	— — — — — — Exceeding 17 %	0404 90 83 9919
	— — — — — Of a sucrose content of 40 % or more by weight, of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight ⁽⁴⁾ :	
	— — — — — — Not exceeding 3 %	0404 90 83 9931
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0404 90 83 9933
	— — — — — — Exceeding 6,9 % but not exceeding 9,5 %	0404 90 83 9935
	— — — — — — Exceeding 9,5 % but not exceeding 21 %	0404 90 83 9937

ANNEX II

(⁴) The refund per 100 kilograms of product falling within this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kilograms of product.

However, where whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added to the product, the amount per kilogram shown is to be multiplied by the weight of the lactic matter other than whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 added per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter and/or whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 have been added and, where this is the case:

— the actual content by weight of whey and/or products derived from whey and/or lactose and/or casein and/or caseinates and/or permeate and/or products covered by CN code 3504 and of sucrose and/or other non-lactic matter added per 100 kilograms of finished product,

and in particular,

— the lactose content of the added whey.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the refund.

The refund on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the actual content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

COMMISSION REGULATION (EC) No 1354/98
of 26 June 1998

correcting Regulation (EC) No 1254/98 fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2916/95, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 1254/98 ⁽⁶⁾, fixes representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin and amends Regulation (EC) No 1484/95; whereas a check has shown that the Annex is not in accordance with the opinion delivered by the Management Committee; whereas the Regulation in question should be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1254/98 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ L 305, 19. 12. 1995, p. 49.

⁽⁵⁾ OJ L 282, 1. 11. 1975, p. 104.

⁽⁶⁾ OJ L 173, 18. 6. 1998, p. 12.

ANNEX

‘ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	216,6	25	01
		249,9	15	02
		247,3	16	03
		265,7	10	04
		265,7	10	05
1602 32 11	Preparations uncooked of the species <i>gallus domesticus</i>	221,6	20	01
		250,2	11	02
		232,7	16	03
1602 39 21	Preparations uncooked other than turkeys and of the species <i>gallus domesticus</i>	221,6	20	01

(¹) Origin of imports:

- 01 China
- 02 Brazil
- 03 Thailand
- 04 Chile
- 05 Argentina.’

COMMISSION REGULATION (EC) No 1355/98**of 26 June 1998****fixing the maximum aid for concentrated butter for the 184th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7a(3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 417/98 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 184th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | ECU 134/100 kg |
| — end-use security: | ECU 148/100 kg. |

Article 2

This Regulation shall enter into force on 27 June 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ L 52, 21. 2. 1998, p. 18.

COMMISSION REGULATION (EC) No 1356/98
of 26 June 1998

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 12th individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Articles 6(3) and 12(3) thereof,

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as amended by Regulation (EC) No 1061/98 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according to the intended

use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities and the minimum selling prices, applying for the 12th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁴⁾ OJ L 152, 26. 5. 1998, p. 3.

ANNEX

to the Commission Regulation of 26 June 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 12th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	223	227	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	124	120	—	
		Concentrated	—		—	
Maximum aid	Butter ≥ 82 %		109	105	—	105
	Butter < 82 %		—	100	—	—
	Concentrated butter		134	130	134	130
	Cream		—	—	46	44
Processing security	Butter		120	—	—	—
	Concentrated butter		148	—	148	—
	Cream		—	—	51	—

COMMISSION REGULATION (EC) No 1357/98
of 26 June 1998
on the issuing of A1 export licences for fruit and vegetables

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Commission Regulation (EC) No 1276/98 ⁽³⁾ rectified by Regulation (EC) No 1302/98 ⁽⁴⁾, sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2 (3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were

issued without restriction for apples in response to applications submitted since 24 June 1998; whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 24 June 1998 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for apples for which applications were submitted on 24 June 1998 pursuant to Article 1 of Regulation (EC) No 1276/98 shall be issued for 28,7 % of the quantities applied for.

Applications for A1 export licences submitted after 24 June 1998 and before 9 September 1998 for that product shall be rejected.

Article 2

This Regulation shall enter into force on 27 June 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 176, 20. 6. 1998, p. 6.

⁽⁴⁾ OJ L 180, 24. 6. 1998, p. 12.

COMMISSION REGULATION (EC) No 1358/98
of 26 June 1998

on the issuing of export licences for products processed from 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 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars⁽¹⁾, as last amended by Regulation (EC) No 1007/97⁽²⁾, and in particular Article 4(1) thereof,

Whereas Commission Regulation (EC) No 1275/98⁽³⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantity of 354 tonnes of orange juice with a sugar content of not less than 55° Brix in the Annex to Regulation (EC) No 1275/98, reduced or increased by the quantities referred to in Article 4(1) of

Regulation (EC) No 1429/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 24 June 1998; whereas a reducing factor should accordingly be applied to the quantities applied for on 24 June 1998, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for orange juice with a sugar content of not less than 55° Brix for which applications were submitted on 24 June 1998 pursuant to Article 1 of Regulation (EC) No 1275/98 shall be issued for 96,9 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 24 June 1998 and before 23 October 1998 shall be rejected.

Article 2

This Regulation shall enter into force on 27 June 1998.

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

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 141, 24. 6. 1995, p. 28.

⁽²⁾ OJ L 145, 5. 6. 1997, p. 16.

⁽³⁾ OJ L 176, 20. 6. 1998, p. 3.

COMMISSION DIRECTIVE 98/42/EC

of 19 June 1998

amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)⁽¹⁾, as amended by Directive 98/25/EC⁽²⁾, and in particular Article 19 thereof,

Whereas it is necessary to take account of amendments which have entered into force to the Conventions, Protocols, Codes and Resolutions of the International Maritime Organization (IMO), and developments and considerations within the Paris Memorandum of Understanding (MOU);

Whereas since the adoption of Directive 95/21/EC further efforts have been made to develop a better targeting system; whereas the target factor system developed in the framework of the Paris MOU should be incorporated into that Directive;

Whereas the list of certificates and documents referred to in Annex II to Directive 95/21/EC should be modified in order to take into account amendments which have entered into force to international legislation;

Whereas the list of 'clear grounds' for a more detailed inspection given in Annex III to the said Directive should be amended in the light of a more complete list as given by IMO Resolution A.787(19);

Whereas according to Annex IV to the said Directive, the procedures and guidelines for the control of ships to be observed by the inspector are those described in IMO Resolutions A.466(XII) as amended, A.542(13), MEPC.26(23) and A.742(18); whereas the said Annex IV should be amended in order to take account of the re-

vocation of those Resolutions by IMO Resolution A.787(19); whereas the procedures described in Resolution A.787(19) have been incorporated into Annex I, 'Port State Control Procedures' to the Paris MOU;

Whereas in order to decide whether or not a ship should be detained, the inspector shall apply the criteria set out in Annex VI to the said Directive; whereas however it would be inappropriate to detain a vessel on the grounds of damage accidentally suffered, provided certain conditions are met;

Whereas the said Annex VI should also be amended in the light of the provisions included in IMO Resolution A.787(19), in particular with regard to the areas under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) of 1978;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee set up pursuant to Article 12 of Council Directive 93/75/EEC⁽³⁾, as last amended by Commission Directive 97/34/EC⁽⁴⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/21/EC is amended as follows:

1. Article 5(2) is replaced by the following:

'2. In selecting ships for inspection the competent authority shall give overriding priority to the ships referred to in Annex I, Part I. In determining the order of priority for inspection of the other ships listed in Annex I, the competent authority shall use the ship's overall target factor referred to in Annex I, Part II.';

2. Annexes I, II, III, IV and VI are amended as provided for in the Annex to this Directive.

⁽¹⁾ OJ L 157, 7. 7. 1995, p. 1.⁽²⁾ OJ L 133, 7. 5. 1998, p. 19.⁽³⁾ OJ L 247, 5. 10. 1993, p. 19.⁽⁴⁾ OJ L 158, 17. 6. 1997, p. 40.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 1998 at the latest. They shall immediately inform the Commission thereof.

When these provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 June 1998.

For the Commission

Neil KINNOCK

Member of the Commission

ANNEX

1. Annex I is replaced by the following:

‘ANNEX I

SHIPS TO BE CONSIDERED FOR PRIORITY INSPECTION

(as referred to in Article 5(2))

I. Overriding factors

Regardless of the value of the target factor, the following ships shall be considered as an overriding priority for inspection.

1. Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation (pursuant to Directive 93/75/EEC and Article 13 of this Directive).
2. Ships which have failed to comply with the obligations laid down in Directive 93/75/EEC.
3. Ships which have been the subject of a report or notification by another Member State.
4. Ships which have been the subject of a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded; the identity of the person lodging the report or complaint must not be revealed to the master or the shipowner of the ship concerned.
5. Ships which have been:
 - involved in a collision, grounding or stranding on their way to the port,
 - accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
 - manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or
 - otherwise operated in such a manner as to pose a danger to persons, property or the environment.
6. Ships which have been suspended from their class for safety reasons in the course of the preceding six months.

II. Overall targeting factor

The following ships shall be considered as priority for inspection.

- | | <i>Target factor
value</i> |
|---|--------------------------------|
| 1. Ships visiting a port of a Member State for the first time or after an absence of 12 months or more. In applying these criteria Member States shall also take into account those inspections which have been carried out by members of the MOU. In the absence of appropriate data for this purpose, Member States shall rely upon the available Sirenac data and inspect those ships which have not been registered in the Sirenac following the entry into force of that database on 1 January 1993. | + 20 |
| 2. Ships not inspected by any Member State within the previous six months. | + 10 |

	<i>Target factor value</i>
3. Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the Conventions, and the classification certificates, have been issued by an organization which is not recognized under the terms of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations ⁽¹⁾ .	+ 5
4. Ships flying the flag of a State appearing in the three-year rolling average table of above-average detentions and delays published in the annual report of the MOU:	
— 0 - 3 % above average	+ 3
— 3,1 - 6 % above average	+ 4
— more than 6 % above average	+ 5
5. Ships which have been permitted to leave the port of a Member State on certain conditions:	
(a) for each deficiency to be rectified before departure	+ 1
(b) for each deficiency to be rectified at the next port	+ 1
(c) for every two deficiencies to be rectified within 14 days	+ 1
(d) for every two deficiencies for which other conditions have been specified	+ 1
(e) if ship-related action has been taken and all deficiencies have been rectified	- 2
6. Ships for which deficiencies have been recorded during a previous inspection, according to the number of deficiencies:	
— 0	- 15
— 1 - 5	0
— 6 - 10	+ 5
— 11 - 20	+ 10
— More than 20 deficiencies	+ 15
7. Ships which have been detained in a previous port	+ 15
8. Ships flying the flag of a country which has not ratified all relevant international conventions referred to in Article 2 of this Directive	+ 1
9. Ships flying the flag of a country with a deficiency ratio above average	+ 1
10. Ships with class deficiency above average	+ 1
11. Ships which are in a category for which expanded inspection has been decided (pursuant to Article 7 of this Directive)	+ 5
12. Other ships:	
— between 13 and 20 years old	+ 1
— between 21 and 24 years old	+ 2
— above 25 years old	+ 3

⁽¹⁾ OJ L 139, 12. 12. 1994, p. 20.

The target factor means the numerical value allocated to an individual ship in accordance with the provisions of this Annex and displayed on the Sirenac information system.

In determining the order of priority of the ships listed above, the competent authority shall take into account the order indicated by the overall target factor. A higher target factor is indicative of a higher priority. The target factor is the sum of the applicable target factor values indicated above. Items 5, 6 and 7 shall only apply to inspections carried out in the last 12 months. The overall target factor shall not be less than the sum of items 4, 8, 9, 10, 11 and 12.'

2. Annex II is amended as follows:

1. Item 13 is replaced by the following:

'13. Copy of the Document of Compliance and the Safety Management Certificate issued, in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SOLAS, Chapter IX).'

2. The following is inserted after item 14:

- '15. Document of compliance with the special requirements for ships carrying dangerous goods.
- 16. High speed craft safety certificate and permit to operate high speed craft.
- 17. Dangerous goods special list or manifest, or detailed stowage plan.
- 18. Ship's log book with respect to the records of tests and drills and the log for records of inspection and maintenance of lifesaving appliances and arrangements.
- 19. Special purpose ship safety certificate.
- 20. Mobile offshore drilling unit safety certificate.
- 21. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage.
- 22. The muster list, fire control plan, and for passenger ships, a damage control plan.
- 23. Shipboard oil pollution emergency plan.
- 24. Survey report files (in case of bulk carriers and oil tankers).
- 25. Reports of previous port State control inspections.
- 26. For ro-ro passenger ships, information on the A/A-maximum ratio.
- 27. Document of authorization for the carriage of grain.
- 28. Cargo securing manual.'

3. Annex III is replaced by the following:

'ANNEX III

EXAMPLES OF "CLEAR GROUNDS" FOR A MORE DETAILED INSPECTION

(as referred to in Article 6(3))

- 1. Ships identified in Annex I, Part I and Part II, paragraphs II-3, II-4, II-5b, II-5c, II-8 and II-11.
- 2. The oil record book has not been properly kept.
- 3. During examination of the certificates and other documentation, (see Article 6(1)(a) and (2)), inaccuracies have been revealed.

4. Indications that the crew members are unable to comply with the requirements of Article 8 of Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers ⁽¹⁾.
 5. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level.
 6. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
 7. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship.
 8. The emission of false distress alerts not followed by proper cancellation procedures.
 9. The absence of principal equipment or arrangements required by the conventions.
 10. Excessively unsanitary conditions on board the ship.
 11. Evidence from the inspector's general impression and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship.
 12. Information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.'
4. Annex IV is replaced by the following:

'ANNEX IV

PROCEDURES FOR THE CONTROL OF SHIPS

(as referred to in Article 6(4))

1. Principles of safe manning (IMO Resolution A.481(XII) and Annexes which are contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2).
 2. The provisions of the International Maritime Dangerous Goods Code.
 3. International Labour Organisation (ILO) publication "Inspection of Labour Conditions on Board Ship: Guidelines for procedures".
 4. Annex I, "Port State Control Procedures" to the Paris MOU.'
5. Annex VI is amended as follows:

1. In the introduction, the following paragraph is added:

'Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no detention order shall be issued, provided that:

1. due account has been given to the requirements contained in Regulation I/11(c) of SOLAS 74 regarding notification to the flag State administration, the nominated surveyor or the recognised organisation responsible for issuing the relevant certificate;
2. prior to entering a port, the master or shipowner has submitted to the port State control authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State administration;

⁽¹⁾ OJ L 319, 12. 12. 1994, p. 28.

3. appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship; and
 4. the authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been rectified.'
2. In item 3, the following is added:
- 'However, the detainable deficiencies in the area of STCW 78 listed under item 3.8 below are the only grounds for detention under this Convention.'
3. In item 3.2, the following is added:
- '13. Serious deficiency in the operational requirements, as described in Section 5.5 of Annex I to the MOU.
14. Number, composition or certification of crew not corresponding with the safe manning document.'
4. Item 3.8 is replaced by the following:
- '1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the flag State administration.
 2. Failure to comply with the applicable safe manning requirements of the flag state administration.
 3. Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration.
 4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution.
 5. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.
 6. Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.'
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 June 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 1584)

(98/408/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EC) No 619/96⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽³⁾, as amended by Regulation (EC) No 260/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1998, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 July 1998, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁵⁾, as last amended by Directive 97/79/EC⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 June 1998 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and

⁽¹⁾ OJ L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ L 84, 3. 4. 1996, p. 22.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 42.

⁽⁵⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ L 24, 30. 1. 1998, p. 31.

Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 800,000 tonnes originating in Botswana,
- 400,000 tonnes originating in Namibia.

United Kingdom:

- 730,000 tonnes originating in Botswana,
- 10,000 tonnes originating in Swaziland,
- 930,000 tonnes originating in Zimbabwe,
- 335,000 tonnes originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 3(3) of Regulation (EC) No 589/96 during the first 10 days of July 1998 for the following quantities of boned beef and veal:

- | | |
|---------------|--------------------|
| — Botswana: | 11 221,000 tonnes, |
| — Kenya: | 142,000 tonnes, |
| — Madagascar: | 7 564,000 tonnes, |
| — Swaziland: | 3 283,000 tonnes, |
| — Zimbabwe: | 5 866,000 tonnes, |
| — Namibia: | 9 597,000 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission
