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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1401/98
of 22 June 1998**

amending Regulation (EC) No 1808/95 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas, and amending Regulation (EC) No 764/96

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to Council Regulation (EC) No 1808/95 of 24 July 1995 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas⁽¹⁾,

(1) Whereas the Agreement with Canada on newsprint (Order No 09.0015) in the form of an exchange of letters provides for a mandatory 5 % increase in the quota reserved for imports from Canada in the event of its being exhausted before the end of a given year; whereas the adoption of a regulation considerably delays importers' access to the increased tariff quota; whereas to ensure greater efficiency and continuity in the administration of quotas, provision should be made for an automatic increase as soon as the quota of 600 000 tonnes is exhausted;

(2) Whereas the term 'handmade products' needs to be defined in order to ensure that Regulation (EC) No 1808/95 operates smoothly;

(3) Whereas in recent years textile products have taken up the bulk of the tariff quota for handmade products; whereas part of the preferential advantage should be secured to other products by replacing the single tariff quota with two new ones, one for textile products and the other for other products;

(4) Whereas Annex IV to Regulation (EC) No 1808/95 should therefore be amended to ensure a better distribution of the tariff quotas by including new products and increasing the volume of the tariff quota for products other than textiles in accordance with Annex I to this Regulation;

(5) Whereas a new system is required for updating the government authorities authorized to issue certificates of authenticity; whereas the second column 'competent authority' in Annex IV(d) and Annex IV(f) to Regulation (EC) No 1808/95 should therefore be deleted;

(6) Whereas proper application of the arrangements to both handmade products and fabrics, pile and chenille woven on handlooms requires that provision be made for the possibility of temporarily withdrawing entitlement, in whole or in part, to tariff quotas in the event of irregularities or lack of administrative cooperation, and that procedures for administrative cooperation be set up to check on the issuing of certificates of authenticity;

(7) Whereas the Community must apply the tariff quotas correctly in accordance with its international obligations; whereas the description and tariff classification of the tariff quota opposite Order No 09.0046 should be amended;

⁽¹⁾ OJ L 176, 27. 7. 1995, p. 1. Regulation as last amended by Commission Regulation (EC) No 1340/97 (OJ L 184, 12. 7. 1997, p. 10).

- (8) Whereas the volume laid down for the tariff quota for non-textile products opposite Order No 09.0104 consists in an increase in the volume of the current tariff quota; whereas, until the end of 1998, provision should be made for the possibility for these non-textile products to benefit from the tariff quota;
- (9) Whereas, in view of the specific nature of trade in jute and coconut, the relevant arrangements should be extended until 31 December 1999; whereas Regulation (EC) No 764/96 ⁽¹⁾ should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1808/95 is amended as follows:

1. in Article 2(2), the second subparagraph shall be replaced by the following:

‘Where the bound quota of 600 000 tonnes from Canada has been exhausted and no autonomous quota of more than 30 000 tonnes has been opened for the remainder of the calendar year, the bound quota shall be increased by the Commission by an additional 5 %. The Commission shall publish the increase in the quota in the Official Journal, C series.’;

2. Article 4 shall be replaced by the following:

Article 4

1. The customs duties for the products referred to in Annex IV, Part A shall be suspended within the limits of the tariff quotas laid down in Part A.

2. Access to these quotas shall, however, be restricted to products accompanied by a certificate of authenticity recognized by the relevant authorities in the Community conforming to one of the models in Annex IV(c) certifying that the goods in question have been handmade. The certificate must be issued in accordance with the procedures for administrative cooperation specified in Article 5a. The Commission shall publish in the Official Journal, C series, the names of the authorities in the countries of manufacture able to issue such certificates of authenticity.

3. For the purposes of applying this Regulation to products listed in Annex IV, A, ‘handmade products’ shall mean:

- (a) cottage industry products made entirely by hand;
- (b) cottage industry products which have the character of products made by hand;
- (c) garments or other textile products obtained manually from fabrics woven on looms operated solely by hand or foot and essentially sewn by hand or sewn by sewing-machines operated solely by hand or foot.’;

3. Article 5(3)(a) shall be replaced by the following:

‘(a) accompanied by a certificate of authenticity recognized by the relevant Community authorities and conforming to one of the models in Annex IV(e), stamped by one of the authorities notified by the beneficiary countries to the Commission;’

4. in Article 5, the following paragraph shall be added:

‘5. The certificate of authenticity referred to in paragraph 3 must be issued in accordance with the procedures for administrative cooperation specified in Article 5a.’;

5. the following Articles shall be inserted:

Article 5a

1. Entitlement to the tariff quotas provided for in Articles 4 and 5 may at any time be temporarily withdrawn, in whole or in part, in the event of irregularities or of a lack of the administrative cooperation required for the checking of certificates of authenticity.

2. The decision to withdraw temporarily, in whole or in part, entitlement to the tariff quotas referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 10(2), following appropriate prior consultations undertaken by the Commission with the beneficiary country in question.

3. (a) Should the procedure be applied to withdraw temporarily, in whole or in part, entitlement to the tariff quotas, the Commission shall publish a notice in the *Official Journal of the European Communities*, C series, indicating that there are well-founded doubts about the entitlement to application of this Regulation and listing the goods, producers and exporters concerned;

(b) a customs debt shall be deemed not to have arisen up to the amount of the reduction granted in accordance with this Regulation insofar as it did not arise after publication of the notice in accordance with subparagraph (a) and does not concern goods, producers and exporters expressly mentioned in the notice and insofar as the conditions do not exist for justifi-

⁽¹⁾ OJ L 104, 27. 4. 1996, p. 1.

fying application of the second sentence of Article 221(3) of Regulation (EEC) No 2913/92 (*).

(*) OJ L 302, 19. 10. 1992, p. 1. Regulation as last amended by Regulation (EC) No 82/97 (OJ L 17, 21. 1. 1997, p. 1).

Article 5b

1. The beneficiary countries shall inform the Commission of the names and addresses of the customs authorities or, failing that, of any other governmental authorities situated in their territory which are empowered to issue certificates of authenticity, together with specimens of stamps used by those authorities, and the names and addresses of the relevant governmental authorities responsible for the control of the said certificates. The stamps shall be valid from the date the Commission receives the specimens. The Commission shall forward this information to the customs authorities of the Member States. When such information is updating a previous communication, the Commission shall indicate the date when the new stamps become valid according to the instructions given by the competent authorities of the beneficiary countries. This information is confidential; however, when goods are presented for free circulation, the customs authorities in question may allow the importer or his duly authorised representative to consult the specimen impressions of stamps mentioned in this paragraph.

2. The Commission shall publish in the *Official Journal of the European Communities*, C series, the date on which the new beneficiary countries met the obligations referred to in paragraph 1.

3. Subsequent verification of certificates of authenticity shall be carried out at random or whenever the customs authorities in the Community have reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the products in question.

4. For the purposes of applying paragraph 1, the customs authorities in the Community shall return a copy of the certificate of authenticity to the competent governmental authority in the exporting beneficiary country, giving, where appropriate, the reasons of form or substance for an inquiry. The invoice or a copy thereof, as well as all other relevant documents, shall be attached to the copy of the certificate of authenticity.

The customs authorities shall also forward any information that has been obtained suggesting that the

particulars given on the certificate of authenticity are inaccurate.

If the said authorities decide to suspend the granting of the tariff quotas pending the results of the verification, they shall offer to release the products to the importer subject to any precautions judged necessary.

5. When an application for subsequent verification has been made in accordance with paragraph 1, such verification shall be carried out and its results communicated to the customs authorities in the Community within a maximum of six months. The results shall be such as to establish whether the certificate of authenticity in question applies to the products actually exported and whether these products were in fact eligible to benefit from the tariff quota.

6. If, in cases of reasonable doubt, there is no reply within the six months specified in paragraph 5 or if the reply does not contain sufficient information to determine the authenticity of the document in question or the accuracy of the information relating to the products concerned, a second communication shall be sent to the competent authorities. If after the second communication the results of the verification are not communicated to the requesting authorities within four months, or if these results do not allow the authenticity of the document in question to be determined, the requesting authorities shall, save in exceptional circumstances, refuse entitlement to the tariff measures.

7. Where the verification procedure or any other available information appears to indicate that the provisions of this Article are being contravened, the exporting beneficiary country shall, on its own initiative or at the request of the Community, carry out appropriate inquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions. For this purpose the Community may participate in the inquiries.

8. For the purpose of subsequent verification of certificates of authenticity, copies of the certificates as well as any export documents referring to them shall be kept for at least three years by the competent governmental authority of the exporting beneficiary country.;

6. Annex IV shall be replaced by Annex I to this Regulation;

7. in Annex I, the tariff quota opposite Order No 09.0046 shall be replaced by the tariff quota in Annex II to this Regulation;

8. in Annex IV(d) and (f), the second column headed 'competent authority' shall be deleted;

9. in Annex V, in the fifth column entitled 'quota period', the date of 31 December 1998 shall be replaced by 31 December 1999.

'It shall apply with effect from 1 July 1995'.

Article 2

If the tariff quota opposite Order No 09.0105 is exhausted during 1998, the tariff quota set out in Annex I to this Regulation opposite Order No 09.0104 shall be opened for the remainder of that year.

Article 4

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

Article 3

The second subparagraph of Article 2 of Council Regulation (EC) No 764/96 shall be replaced by the following:

It shall apply with effect from 1 January 1999, except for Article 1(7) and Article 2, which shall apply with effect from 1 January 1998.

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

Done at Luxembourg, 22 June 1998.

For the Council

The President

J. BATTLE

ANNEX I

ANNEX IV

PART A

LIST OF COMMUNITY TARIFF QUOTAS FOR CERTAIN HANDMADE PRODUCTS

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

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0104	ex 4201 00 00	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle cloths, saddle bags, dog coats and the like), of any material: — Riding saddles, of leather	1 January to 31 December	1 200 000	0
	4202 11 10	Executive-cases, briefcases, school satchels and similar containers			
	4202 11 90	Other			
	4202 12 91	Executive-cases, briefcases, school satchels and similar containers			
	4202 12 99	Other			
	4202 19 90	Of other materials			
	4202 21 00	With outer surface of leather, of composition leather or of patent leather			
	4202 22 90	Of textile materials			
	4202 31 00	With outer surface of leather, of composition leather or of patent leather			
	4202 32 90	Of textile materials			
	4202 39 00	Other			
	4202 91 10	Travelling-bags, toilet bags, rucksacks and sports bags			
	4202 91 80	Other			
	4202 92 91	Travelling-bags, toilet bags, rucksacks and sports bags			
	4202 92 98	Other			
	ex 4202 99 00	Other: — Musical instrument cases			
	4203 30 00	Belts and bandoliers			
	4203 40 00	Other clothing accessories			
	4419 00 90	Of other wood			
	4420 10 11	Of tropical wood			
	4420 10 19	Of other wood			
	4420 90 91	Of tropical wood			
	4420 90 99	Of other wood			
	4602 10 91	Basketwork, wickerwork and other articles, made directly to shape from plaiting materials			
	4602 10 99	Other			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0104 (cont'd.)	4818 20 10	Handkerchiefs and cleansing or facial tissues			
	4818 20 91	In rolls			
	4818 20 99	Other			
	4818 30 00	Tablecloths and serviettes			
	4818 50 00	Articles of apparel and clothing accessories			
	4818 90 10	Articles of a kind used for surgical, medical or hygienic purposes, not put up for retail sale			
	4818 90 90	Other			
	4819 30 00	Sacks and bags, having a base of a width of 40 cm or more			
	4823 60 10	Trays, dishes and plates			
	4823 60 90	Other			
	4823 70 90	Other			
	4823 90 90	Other			
	6403 30 00	Footwear made on a base or platform of wood, not having an inner sole or a protective metal toecap and with leather uppers			
	6406 10 11	Uppers			
	6406 10 19	Parts of uppers			
	6406 10 90	Of other materials			
	6406 20 10	Of rubber			
	6406 20 90	Of plastics			
	6406 91 00	Of wood			
	6406 99 30	Assemblies of uppers affixed to inner soles or to other sole components, but without outer soles			
	6406 99 50	Removable insoles and other removable accessories			
	6406 99 60	Outer soles of leather or composition leather			
	6406 99 80	Other			
	ex 6505 90 10	Berets, bonnets, skull-caps, fezzes, tarbooshes and the like: — Woollen berets			
	6602 00 00	Walking-sticks, seat-sticks, whips, riding-crops and the like			
	ex 6802 91 90	Other: — Carved			
	ex 6802 92 90	Other: — Carved			
	ex 6802 93 90	Other: — Carved			
	ex 6802 99 90	Other: — Carved			
	6912 00 10	Of common pottery			
	6913 10 00	Statuettes and other ornamental ceramic articles			
	6913 90 99				
	6914 90 10	Of common pottery			
	7013 21 11	Cut or otherwise decorated			
	7013 21 19	Other			
	7013 29 51	Cut or otherwise decorated			
	7013 29 59	Other			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0104 (cont'd)	7013 31 10	Gathered by hand			
	7013 39 91	Gathered by hand			
	7013 91 10	Gathered by hand			
	ex 7013 99 00	Other: — Gathered by hand			
	7018 10 19	Other			
	7018 10 30	Imitation pearls			
	7117 19 91	Gilt, silvered or platinum plated			
	7117 19 99	Other			
	7418 11 00 to 7418 20 00	Table, kitchen, toilet or other household articles and parts thereof, of copper, pot scourers and scouring or polishing pads, gloves and the like, of copper, sanitary ware and parts thereof, of copper			
	7419 10 00 to 7419 99 00	Other articles of copper			
	7616 99 90	Other			
	ex 8308 90 00	Other, including parts: — Beads and spangles, of base metal			
	9113 90 10	Of leather or of composition leather			
	ex 9113 90 90	Other: — Of fabric			
	9403 10 10 to 9403 90 90	Other furniture and parts thereof			
	9405 10 91	Of a kind used for filament lamps			
	9405 10 99	Other			
	9405 20 99	Other			
	9405 40 99	Other			
	9405 50 00	Non-electrical lamps and lighting fittings			
	9405 60 99	Of other materials			
	9405 99 90	Other			
	ex 9502 10 10	Of plastics: — Ornamental dolls dressed so as to reflect the folklore characteristic of the country of origin			
	ex 9502 10 90	Of other materials: — Ornamental dolls dressed so as to reflect the folklore characteristic of the country of origin			
	9503 30 10	Of wood			
	9503 49 10	Of wood			
	ex 9503 50 00	Toy musical instruments and apparatus: — Of wood			
	9503 60 10	Of wood			
	ex 9503 90 10	Toy weapons: — Of wood			
	ex 9503 90 99	Of other materials: — Of wood			
	9601 10 00	Worked ivory and articles of ivory			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0104 (cont'd)	9602 00 00	Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatin (except gelatin of heading No 3503) and articles of unhardened gelatin			
09.0106	ex 5208 51 00 to ex 5208 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ² : — Hand-dyed or hand-printed by the "batik" method	1 January to 31 December	11 067 000	0
	ex 5209 51 00 to ex 5209 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ² : — Hand-dyed or hand-printed by the "batik" method			
	ex 5212 15 10 ex 5212 15 90 ex 5212 25 10 ex 5212 25 90	Other woven fabrics of cotton: — Hand-dyed or hand-printed by the "batik" method			
	ex 5608 90 00	Other: — Hammocks, of cotton			
	5701 10 10	Containing a total of more than 10 % by weight of silk or of waste silk other than noil			
	5701 90 10	Of silk, of waste silk other than noil, of synthetic fibres, of yarn falling within heading No 5605 or of textile materials containing metal threads			
	5701 90 90	Of other textile materials			
	5704 90 00	Other			
	5705 00 10	Of wool or fine animal hair			
	5705 00 39	Other			
	5705 00 90	Of other textile materials			
	5810 10 10 to 5810 99 90	Embroidery in the piece, in strips or in motifs			
	ex 6101 10 10	Overcoats, car-coats, capes, cloaks and similar articles: — Ponchos of fine animal hair			
	ex 6102 10 10	Overcoats, car-coats, capes, cloaks and similar articles: — Ponchos of fine animal hair			
	ex 6110 10 35	Of Kashmir goats: — Jerseys, pullovers and slipovers			
	ex 6110 10 38	Other: — Jerseys, pullovers and slipovers			
	ex 6110 10 95	Of Kashmir goats: — Jerseys, pullovers and slipovers			
	ex 6110 10 98	Other: — Jerseys, pullovers and slipovers			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0106 (cont'd)	ex 6201 11 00	Of wool or fine animal hair: — Ponchos			
	ex 6201 92 00	Of cotton: — (1)			
	ex 6201 99 00	Of other textile materials: — (1)			
	ex 6202 11 00	Of wool or fine animal hair: — Ponchos and capes of wool — Ponchos of fine animal hair			
	ex 6202 92 00	Of cotton: — (1)			
	ex 6202 99 00	Of other textile materials: — (1)			
	ex 6204 12 00	Of cotton: — (1)			
	ex 6204 22 80	Other: — (1)			
	ex 6204 29 90	Other: — (1)			
	ex 6204 32 90	Other: — (1)			
	ex 6204 39 90	Other: — (1)			
	ex 6204 42 00	Of cotton: — (1)			
	ex 6204 44 00	Of artificial fibres: — (1)			
	ex 6204 49 90	Other: — (1)			
	ex 6204 51 00	Of wool or fine animal hair: — Skirts and divided skirts, of wool			
	ex 6204 52 00	Of cotton: — (1)			
	ex 6204 53 00	Of synthetic fibres: — (1)			
	ex 6204 59 10	Of artificial fibres: — (1)			
	ex 6204 59 90	Other: — (1)			
	ex 6204 62 31	Of denim: — (1)			
	ex 6204 62 33	Of cut corduroy: — (1)			
	ex 6204 62 39	Other: — (1)			
	ex 6204 62 59	Other: — (1)			
	ex 6204 62 90	Other: — (1)			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0106 (cont'd)	ex 6204 63 18	Other: — (1)			
	ex 6204 63 39	Other: — (1)			
	ex 6204 63 90	Other: — (1)			
	ex 6204 69 18	Other: — (1)			
	ex 6204 69 39	Other: — (1)			
	ex 6204 69 50	Other: — (1)			
	ex 6204 69 90	Other: — (1)			
	ex 6205 20 00	Of cotton: — (1)			
	ex 6205 90 10	Of flax or ramie: — (1)			
	ex 6206 30 00	Of cotton: — (1)			
	ex 6206 90 10	Of flax or ramie: — (1)			
	ex 6207 91 90	Other: — (1)			
	ex 6207 99 00	Of other textile materials: — (1)			
	ex 6208 91 19	Other: — (1)			
	ex 6208 99 00	Of other textile materials: — (1)			
	6213 20 00	Of cotton			
	6214 10 00 to 6214 90 90	Shawls, scarves, mufflers, mantillas, veils and the like			
	6215 10 00 to 6215 90 00	Ties, bowties and cravats			
	6217 10 00	Accessories			
	6301 20 91	Wholly of wool or of fine animal hair			
	6301 20 99	Other			
	6301 30 90	Other			
	6301 40 90	Other			
	6301 90 90	Other			
	ex 6302 21 00	Of cotton: — (1)			
	ex 6302 51 10	Mixed with flax: — (1)			
	ex 6302 51 90	Other: — (1)			
	ex 6302 91 10	Mixed with flax: — (1)			

Order No	CN Code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0106 (<i>cont'd</i>)	ex 6302 91 90	Other: — (1)			
	ex 6303 91 00	Of cotton: — (1)			
	ex 6303 99 90	Other: — Double curtains of wool			
	ex 6304 19 10	Of cotton: — (1)			
	ex 6304 92 00	Not knitted or crocheted, of cotton: — (1)			
	ex 6306 91 00	Of cotton: — Hammocks			
	6307 10 90	Other			
	6307 90 99	Other			

(*) See Taric codes on pp. 12 to 14 of this Official Journal.

(1) Articles of cotton fabric hand-dyed or hand-printed by the "batik" method.

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
09.0104	4201 00 00	* 10		6602 00 00	* 10
	4202 11 10	* 10		6802 91 90	* 10
	4202 11 90	* 10		6802 92 90	* 10
	4202 12 91	* 10		6802 93 90	* 10
	4202 12 99	* 10		6802 99 90	* 10
	4202 19 90	* 10			
	4202 21 00	* 10		6912 00 10	* 10
	4202 22 90	* 10			
	4202 31 00	* 10		6913 10 00	* 10
	4202 32 90	* 10		6913 90 10	* 10
	4202 39 00	* 10		6913 90 91	* 10
	4202 91 10	* 10		6913 90 93	* 10
	4202 91 80	* 10		6913 90 99	* 10
	4202 92 91	* 10			
	4202 92 98	* 10		6914 90 10	* 10
	4202 99 00	* 10			
	4203 30 00	* 10		7013 21 11	
	4203 40 00	* 10		7013 21 19	
				7013 29 51	
	4419 00 90	* 10		7013 29 59	
				7013 31 10	
	4420 10 11	* 10		7013 39 91	
	4420 10 19	* 10		7013 91 10	
	4420 90 91	* 10		7013 99 00	* 10
	4420 90 99	* 10			
	4602 10 91	* 10		7018 10 19	* 10
	4602 10 99	* 10		7018 10 30	* 10
	4818 20 10	* 10		7117 19 91	* 10
	4818 20 91	* 10		7117 19 99	* 10
	4818 20 99	* 10			
	4818 30 00	* 10		7418 11 00	* 10
	4818 50 00	* 10		7418 19 00	* 10
	4818 90 10	* 10		7418 20 00	* 10
	4818 90 90	* 10			
	4819 30 00	* 10		7419 10 00	* 10
				7419 91 00	* 10
				7419 99 00	* 10
	4823 60 10	* 10			
	4823 60 90	* 10		7616 99 90	* 05
	4823 70 90	* 10		8308 90 00	* 10
	4823 90 90	* 20			
	6403 30 00	* 20		9113 90 10	* 10
				9113 90 90	* 11
	6406 10 11	* 10		9403 30 11	* 10
	6406 10 19	* 10		9403 30 19	* 10
	6406 10 90	* 10		9403 30 91	* 10
	6406 20 10	* 10		9403 30 99	* 10
	6406 20 90	* 10		9403 40 10	* 10
	6406 91 00	* 10		9403 40 90	* 10
	6406 99 30	* 10		9403 50 00	* 10
	6406 99 50	* 10		9403 60 10	* 10
	6406 99 60	* 10		9403 60 30	* 10
	6406 99 80	* 10		9403 60 90	* 10
				9403 80 00	* 10
	6505 90 10	* 10		9403 90 30	* 10
				9403 90 90	* 10

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric CN code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric CN code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
	9405 10 91	* 10		5705 00 10	* 10
	9405 10 99	* 10		5705 00 39	* 10
	9405 20 99	* 10		5705 00 90	* 11
	9405 40 99	* 10			* 31
	9405 50 00	* 10			* 91
	9405 60 99	* 10			
	9405 99 90	* 10		5810 10 10	* 10
				5810 10 90	* 10
	9502 10 10	* 10		5810 91 10	* 10
	9502 10 90	* 10		5810 91 90	* 10
				5810 92 10	* 10
	9503 30 10	* 10		5810 92 90	* 10
	9503 49 10	* 11		5810 99 10	* 10
		* 19		5810 99 90	* 10
	9503 50 00	* 11			
	9503 60 10	* 10		6101 10 10	* 10
	9503 90 10	* 11		6102 10 10	* 10
		* 19			
	9503 90 99	* 11		6110 10 35	* 10
		* 19		6110 10 38	* 10
				6110 10 95	* 10
	9601 10 00	* 10		6110 10 98	* 10
	9602 00 00	* 10		6201 11 00	* 10
				6201 92 00	* 10
				6201 99 00	* 10
				6202 11 00	* 10
					* 20
				6202 92 00	* 10
				6202 99 00	* 10
				6204 12 00	* 10
				6204 22 80	* 10
				6204 29 90	* 10
				6204 32 90	* 10
				6204 39 90	* 10
				6204 42 00	* 10
				6204 44 00	* 10
				6204 49 90	* 10
				6204 51 00	* 10
				6204 52 00	* 10
				6204 53 00	* 10
				6204 59 10	* 10
				6204 59 90	* 10
				6204 62 31	* 10
				6204 62 33	* 10
				6204 62 39	* 10
				6204 62 59	* 10
				6204 62 90	* 10
				6204 63 18	* 10
				6204 63 39	* 10
				6204 63 90	* 10
				6204 69 18	* 10
				6204 69 39	* 10
				6204 69 50	* 10
				6204 69 90	* 10
				6205 20 00	* 10
				6205 90 10	* 10
09.0106	5208 51 00	* 11			
		* 91			
	5208 52 10	* 11			
		* 91			
	5208 52 90	* 11			
		* 91			
	5208 53 00	* 11			
		* 91			
	5208 59 00	* 11			
		* 91			
	5209 51 00	* 11			
		* 91			
	5209 52 00	* 11			
		* 91			
	5209 59 00	* 11			
		* 91			
	5212 15 10	* 11			
		* 91			
	5212 15 90	* 11			
		* 91			
	5212 25 10	* 11			
		* 91			
	5212 25 90	* 11			
		* 91			
	5608 90 00	* 10			
	5701 10 10	* 10			
	5701 90 10	* 10			
	5701 90 90	* 10			
	5704 90 00	* 10			

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr	Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-kode Taric-Code Κωδικός Taric Taric code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
	6206 30 00	* 10		6301 20 91	* 10
	6206 90 10	* 10		6301 20 99	* 10
				6301 30 90	* 10
	6207 91 90	* 10		6301 40 90	* 91
	6207 99 00	* 91		6301 90 90	* 21
					* 29
	6208 91 19	* 10		6302 21 00	* 21
	6208 99 00	* 91			* 81
				6302 51 10	* 10
	6213 20 00	* 10		6302 51 90	* 10
				6302 91 10	* 10
	6214 10 00	* 10		6302 91 90	* 10
	6214 20 00	* 10			
	6214 30 00	* 10		6303 91 00	* 91
	6214 40 00	* 10			
	6214 90 10	* 10		6303 99 90	* 31
	6214 90 90	* 11			
		* 19		6304 19 10	* 10
				6304 92 00	* 10
	6215 10 00	* 10		6306 91 00	* 10
	6215 20 00	* 10			
	6215 90 00	* 10		6307 10 90	* 10
				6307 90 99	* 91
	6217 10 00	* 10			

PART B

**LIST OF COMMUNITY TARIFF QUOTAS FOR CERTAIN FABRICS, WOVEN PILE FABRICS
AND CHENILLE FABRICS, WOVEN ON HANDLOOMS**

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

Order No	CN code (*)	Description of goods	Quota period	Quota volume (in ecu)	Rate of duty (%)
09.0101	5007 10 00 to 5007 90 90	Woven fabrics of silk or silk waste:	1 January to 31 December	2 432 000	0
	5803 90 10	Of silk or of silk waste:			
09.0103	5208 51 00 to 5208 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ²	1 January to 31 December	2 172 000	0
	5209 51 00 to 5209 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ²			
	5210 11 10 to 5210 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ²			
	5211 11 00 to 5211 59 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ²			
	5212 11 10 to 5212 25 90	Other woven fabrics of cotton			
	5801 21 00 to 5801 26 00	Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5806			
	5803 10 00	Of cotton			

(*) See Taric codes on p. 16 of this Official Journal.

Número de orden Løbenummer Laufende Nummer Αύξων αριθμός Order No Numéro d'ordre Numero d'ordine Volgnummer Número de ordem Järjestysnumero Löpnummer	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nr	Código Taric Taric-code Taric-Code Κωδικός Taric Taric code Code Taric Codice Taric Taric-code Código Taric Taric-koodi Taric-nr
	5211 11 00	* 10
	5211 12 00	* 10
	5211 19 00	* 10
	5211 21 00	* 10
	5211 22 00	* 10
	5211 29 00	* 10
	5211 31 00	* 10
	5211 32 00	* 10
	5211 39 00	* 10
	5211 41 00	* 10
	5211 42 00	* 10
	5211 43 00	* 10
	5211 49 10	* 10
	5211 49 90	* 10
	5211 51 00	* 10
	5211 52 00	* 10
	5211 59 00	* 10
	5212 11 10	* 10
	5212 11 90	* 10
	5212 12 10	* 10
	5212 12 90	* 10
	5212 13 10	* 10
	5212 13 90	* 10
	5212 14 10	* 10
	5212 14 90	* 10
	5212 15 10	* 11
		* 19
	5212 15 90	* 11
		* 19
	5212 21 10	* 10
	5212 21 90	* 10
	5212 22 10	* 10
	5212 22 90	* 10
	5212 23 10	* 10
	5212 23 90	* 10
	5212 24 10	* 10
	5212 24 90	* 10
	5212 25 10	* 11
		* 19
	5212 25 90	* 11
		* 19
	5801 21 00	* 10
	5801 22 00	* 10
	5801 23 00	* 10
	5801 24 00	* 10
	5801 25 00	* 10
	5801 26 00	* 10
	5803 10 00	* 10'

ANNEX II

Order No	CN code	Description of goods	Quota period	Quota volume	Rate of duty (%)
09.0046	1605 40 00	Freshwater crayfish cooked with dill, frozen	from 1 January to 31 December	3 000 tonnes	0

COMMISSION REGULATION (EC) No 1402/98
of 1 July 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 2 July 1998.

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

Done at Brussels, 1 July 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 1 July 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
0707 00 05	052	70,6
	999	70,6
0709 90 70	052	57,6
	999	57,6
0805 30 10	382	60,1
	388	59,3
	524	57,0
	528	58,6
	999	58,7
0808 10 20, 0808 10 50, 0808 10 90	388	71,2
	400	82,8
	404	90,5
	508	121,6
	512	75,3
	524	67,6
	528	70,2
	720	165,6
	804	107,2
	999	94,7
0809 10 00	052	203,5
	064	152,3
	999	177,9
0809 20 95	052	333,9
	060	172,3
	064	140,1
	068	158,8
	400	265,0
	616	201,6
0809 40 05	999	212,0
	624	361,6
	999	361,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1403/98

of 1 July 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 July 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,89	0,07	—
1703 90 00 ⁽¹⁾	8,30	—	0,00

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

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

COMMISSION REGULATION (EC) No 1404/98
of 1 July 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1306/98 ⁽³⁾, as amended by Regulation (EC) No 1380/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1306/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1306/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 July 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 182, 25. 6. 1998, p. 6.

⁽⁴⁾ OJ L 187, 1. 7. 1998, p. 8.

ANNEX

to the Commission Regulation of 1 July 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	40,71 ⁽¹⁾
1701 11 90 9910	39,67 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,71 ⁽¹⁾
1701 12 90 9910	39,67 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4425
	— ECU/100 kg —
1701 99 10 9100	44,25
1701 99 10 9910	43,80
1701 99 10 9950	43,80
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4425

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

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

COMMISSION REGULATION (EC) No 1405/98**of 1 July 1998****fixing the maximum export refund for white sugar for the 45th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 45th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 45th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 47,020 per 100 kilograms.

Article 2

This Regulation shall enter into force on 2 July 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 1406/98
of 1 July 1998

repealing the measures set out in Article 1 of Council Regulation (EC) No 703/98 suspending certain concessions set out in Regulation (EC) No 3066/95 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round multilateral trade negotiations

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 703/98 of 17 March 1998 suspending certain concessions set out in Regulation (EC) No 3066/95 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round multilateral trade negotiations⁽¹⁾, and in particular Article 2 thereof,

Whereas Council Regulation (EC) No 3066/95⁽²⁾, as last amended by Regulation (EC) No 1595/97⁽³⁾ establishes certain concessions in the form of Community tariff quotas for certain agricultural products and provides for the adjustment as an autonomous and transitional measure of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on agriculture concluded during the Uruguay Round multilateral trade negotiations;

Whereas Regulation (EC) No 703/98, in order to protect the Community's trade interests after the Czech Republic increased unilaterally the import duties for certain agricultural products originating in the Community, autonomously suspended in an equivalent way certain of the concessions set out in Regulation (EC) No 3066/95;

Whereas the Czech Republic has now repealed the import duties for certain agricultural products, re-establishing the reciprocity of treatment;

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

HAS ADOPTED THIS REGULATION:

Article 1

The measures set out in Article 1 of Regulation (EC) No 703/98 are hereby repealed.

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, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 98, 31. 3. 1998, p. 1.

⁽²⁾ OJ L 328, 30. 12. 1995, p. 31.

⁽³⁾ OJ L 216, 8. 8. 1997, p. 1.

COMMISSION REGULATION (EC) No 1407/98
of 1 July 1998
amending for the 12th time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 1147/98 ⁽⁴⁾, to introduce exceptional support measures for the pigmeat market in that Member State;

Whereas the swift and effective implementation of the exceptional support measures has come up against problems of capacity in the rendering plants which are to process the piglets; whereas, therefore, their slaughter and storage in cold stores should be allowed;

Whereas, because the veterinary and trade restrictions continue to apply, the number of pigs for fattening and piglets which may be delivered to the competent authorities should be increased so that the exceptional measures can continue in the coming weeks and the list of eligible areas laid down in Annex II to Regulation (EC) No 913/97 should be adjusted in line with the current veterinary and health situation;

Whereas the discontinuation of the support measures as a result of the number of eligible piglets being used up has

led to a substantial increase in the weight of the animals and, consequently, an intolerable situation as regards their welfare; whereas an increase in the number of eligible animals from 12 June 1998 is therefore warranted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. in the third paragraph of Article 3 and point 2 of Annex III, 'pigs for fattening' is replaced by 'animals';
2. Annex I is replaced by Annex I hereto;
3. Annex II is replaced by Annex II hereto.

Article 2

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

However, Article 1(2) shall apply with effect from 12 June 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 159, 3. 6. 1998, p. 35.

ANNEX I

'ANNEX I

Total maximum number of animals from 6 May 1997:

Pigs for fattening	655 000 head
Piglets	250 000 head
Cull sows	8 000 head
Pigs of the Iberian breed for fattening	6 000 head'

ANNEX II

'ANNEX II

Part 1

- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 25 March 1998, published in the Official Journal of the *Comunidad* of 27 March 1998, page 1411.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 17 April 1998, published in the Official Journal of the *Comunidad* of 20 April 1998, page 1868.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the order of the *Diputación General de Aragón* of 28 April 1998, published in the Official Journal of the *Comunidad* of 4 May 1998, page 1999.
- In the province of Seville, the protection and surveillance zones as defined in Annexes I and II to the order of the *Junta de Andalucía* of 23 April 1998, published in the Official Journal of the *Junta* of 28 April 1998, page 4951.

Part 2

The veterinary districts (*comarcas*) of the provinces of Zaragoza and Seville listed in Annex I to Decision 98/339/EC.'

COMMISSION REGULATION (EC) No 1408/98**of 1 July 1998****fixing the maximum export refunds for olive oil for the 15th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1581/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1978/97 ⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 15th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 June 1998.

Article 2

This Regulation shall enter into force on 2 July 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 1 July 1998 fixing the maximum export refunds for olive oil for the 15th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	—
1509 10 90 9900	—
1509 90 00 9100	—
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

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

**COMMISSION REGULATION (EC) No 1409/98
of 1 July 1998**

laying down rates of compensatory interest applicable during the second half of 1998 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements and temporary importation)

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 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 75/98 ⁽³⁾, and in particular Article 589 (4)(a) and Article 709 thereof,

Whereas Article 589 (4)(a) of Regulation (EEC) No 2454/93 provides that the Commission shall publish rates of compensatory interest applicable to customs debts incurred in relation to compensating products or goods in the unaltered state, in order to make up for the unjustified financial advantage arising from the postponement of the date on which the customs debt is incurred in the case of non-exportation out of the customs territory of the Community; whereas the rates of compensatory interest for the second half of 1998 must be established in accordance with the rules laid down in that Regulation,

Article 1

The annual rates of compensatory interest referred to in Articles 589 (4)(a) and 709 (3)(a) of Regulation (EEC) No 2454/93 applicable for the period from 1 July until 31 December 1998 are the following:

Belgium	3,64
Denmark	3,74
Germany	3,44
Greece	14,22
Spain	5,14
France	3,53
Ireland	6,16
Italy	6,53
Luxembourg	3,64
Netherlands	3,50
Austria	3,66
Portugal	5,43
Finland	3,39
Sweden	4,62
United Kingdom	7,29.

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, 1 July 1998.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ L 7, 13. 1. 1998, p. 3.

COMMISSION REGULATION (EC) No 1410/98
of 1 July 1998
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 July 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 5.

⁽⁵⁾ OJ L 187, 1. 7. 1998, p. 6.

ANNEX

to the Commission Regulation of 1 July 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	19,20	6,70
1701 11 90 ⁽¹⁾	19,20	12,51
1701 12 10 ⁽¹⁾	19,20	6,51
1701 12 90 ⁽¹⁾	19,20	11,99
1701 91 00 ⁽²⁾	22,40	14,73
1701 99 10 ⁽²⁾	22,40	9,51
1701 99 90 ⁽²⁾	22,40	9,51
1702 90 99 ⁽³⁾	0,22	0,42

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1411/98
of 1 July 1998
amending Regulation (EC) No 1381/98 fixing the import duties in the rice sector

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

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

Whereas an error has been discovered in Annex I of Commission Regulation (EC) No 1381/98 ⁽³⁾; whereas the Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1381/98 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 July 1998.

It shall be applicable with effect from 1 July 1998.

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

Done at Brussels, 1 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 187, 1. 7. 1998, p. 10.

ANNEX

Import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	121,01		188,03
1006 10 23	(7)	121,01		188,03
1006 10 25	(7)	121,01		188,03
1006 10 27	(7)	121,01		188,03
1006 10 92	(7)	121,01		188,03
1006 10 94	(7)	121,01		188,03
1006 10 96	(7)	121,01		188,03
1006 10 98	(7)	121,01		188,03
1006 20 11	294,34	142,83		220,76
1006 20 13	294,34	142,83		220,76
1006 20 15	294,34	142,83		220,76
1006 20 17	262,12	126,72	12,12	196,59
1006 20 92	294,34	142,83		220,76
1006 20 94	294,34	142,83		220,76
1006 20 96	294,34	142,83		220,76
1006 20 98	262,12	126,72	12,12	196,59
1006 30 21	(7)	232,09		370,50
1006 30 23	(7)	232,09		370,50
1006 30 25	(7)	232,09		370,50
1006 30 27	(7)	232,09		370,50
1006 30 42	(7)	232,09		370,50
1006 30 44	(7)	232,09		370,50
1006 30 46	(7)	232,09		370,50
1006 30 48	(7)	232,09		370,50
1006 30 61	(7)	232,09		370,50
1006 30 63	(7)	232,09		370,50
1006 30 65	(7)	232,09		370,50
1006 30 67	(7)	232,09		370,50
1006 30 92	(7)	232,09		370,50
1006 30 94	(7)	232,09		370,50
1006 30 96	(7)	232,09		370,50
1006 30 98	(7)	232,09		370,50
1006 40 00	(7)	72,38		114,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ L 84, 30.3.1990, p. 85).

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

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

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

COUNCIL DIRECTIVE 98/41/EC

of 18 June 1998

on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84(2) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽³⁾,

- (1) Whereas within the framework of the common transport policy further measures must be taken to enhance safety in maritime transport;
- (2) Whereas the Community is seriously concerned by shipping accidents involving passenger ships which have resulted in massive loss of life, particularly those involving the *Herald of Free Enterprise* and the *Estonia*; whereas persons using passenger ships and high-speed passenger craft throughout the Community have the right to expect and to be able to rely on an appropriate level of safety and upon an adequate information system which will facilitate search and rescue and the efficient handling of the aftermath of any accident that might occur;
- (3) Whereas it is necessary to ensure that the number of passengers on board a passenger ship does not exceed the number for which the ship and its safety equipment have been certified; whereas companies should be able to inform the search and rescue services of the number of persons involved in an accident;
- (4) Whereas information must be compiled on passengers and crew in order to facilitate search and rescue and the efficient handling of the aftermath of an accident, i.e. identifying the persons involved, providing clearer information on related legal issues and contributing to more appropriate medical care for rescued persons; whereas such information would prevent unnecessary anxiety on the part of relatives and other persons concerned regarding persons on board passenger ships involved in marine accidents in waters for which

Member States bear responsibility under the 1979 International Convention on Maritime Search and Rescue (SAR);

- (5) Whereas passengers should therefore be counted and registered before any ship departs;
- (6) Whereas Chapter III of the International Convention on the Safety of Life at Sea (the SOLAS Convention) provides for the counting and registration of all persons on board all passenger ships sailing on international voyages, from 1 July 1997 and 1 January 1999 respectively, while permitting Administrations to exempt passenger ships sailing in sheltered waters from those requirements and from the requirement to register if the scheduled voyages of such ships render it impracticable for them to prepare such records; whereas that Chapter of the SOLAS Convention does not apply to domestic voyages and leaves important points of interpretation to the discretion of individual Member States;
- (7) Whereas this Directive is in accordance with the right of Member States to impose on passenger ships sailing to or from their ports certain requirements more stringent than those laid down in the SOLAS Convention;
- (8) Whereas in view, in particular, of the internal-market dimension of maritime passenger transport, action at Community level is the most effective way of establishing a common minimum level of safety for ships throughout the Community;
- (9) Whereas, in view of the principle of proportionality a Council Directive is the appropriate legal instrument as it provides a framework for the Member States' uniform and compulsory application of safety standards while leaving each Member State the right to decide which implementation tools best fit its internal system;
- (10) Whereas a Member State can ensure compliance with the safety rules applicable on the part of passenger ships flying its flag and the companies that operate them; whereas those rules should not be imposed upon ships operating between ports in third countries; whereas the provisions of the SOLAS Convention apply to those voyages;

⁽¹⁾ OJ C 31, 31. 1. 1997, p. 5 and OJ C 275, 11. 9. 1997, p. 7.

⁽²⁾ OJ C 206, 7. 7. 1997, p. 111.

⁽³⁾ Opinion of the European Parliament of 29 May 1997 (OJ C 138, 16. 6. 1998, p. 31), Council common position of 11 December 1997 (OJ C 23, 23. 1. 1998, p. 17), and Decision of the European Parliament of 11 March 1998 (OJ C 104, 6. 4. 1998).

- (11) Whereas the only way of ensuring the safe and efficient handling of the aftermath of accidents for all passenger ships, irrespective of their flags, operating or wishing to operate from their ports, is for the Member States to require effective compliance with the relevant rules as a condition of operating from their ports; whereas the granting of exemptions from those rules cannot be left solely to the flag State since only the port State is in a position to determine the requirements for the best possible search and rescue operations for passenger ships sailing to and from a port;
- (12) Whereas in order to harmonise safety protection and avoid distortions of competition, Member States should not, for reasons other than those mentioned in this Directive, grant exemptions or derogations from the relevant SOLAS provisions on 'information on passengers' for voyages starting from or arriving at Community ports;
- (13) Whereas for reasons of practicability and to avoid distortion of competition, a uniform approach must be established to determine the voyages for which the registration of all persons on board should be mandatory; whereas the twenty-mile threshold is the result of taking into consideration general principles and specific points of concern endorsed by all Member States;
- (14) Whereas, for specific operational reasons, the counting of persons on board passenger ships crossing the Strait of Messina might, for a limited period of time, be done in a simpler way than individual counting; whereas Member States should enjoy the possibility of granting some relaxation from the obligation to communicate to the shore the number of persons in the case of passenger ships operating on regular services of short duration carried out exclusively in protected sea areas, as defined in this Directive; whereas passenger ships operating exclusively in protected sea areas constitute a more limited risk and should, therefore, enjoy the possibility of exemption; whereas in certain specific circumstances it may be impracticable for shipping companies to register persons on board and therefore a derogation from the obligation to register could be permitted under specific circumstances and well defined conditions;
- (15) Whereas the collection and processing of data concerning named individuals must be carried out in accordance with the principles of data protection laid down in Directive 95/46/EC⁽¹⁾; whereas, in particular, individuals should be fully informed at the time of collection of the purposes for which

the data are required, and the data should be retained only for a very short period which should not in any case be any longer than necessary for the purposes of this Directive;

- (16) Whereas it is necessary that a committee consisting of representatives of the Member States assist the Commission in the effective application of this Directive; whereas the committee set up by Article 12 of Directive 93/75/EEC⁽²⁾ can assume that function;
- (17) Whereas certain provisions of this Directive may be adapted by that Committee to take into account future amendments to the SOLAS Convention that have entered into force,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive shall be to enhance the safety and possibilities of rescue of passengers and crew on board passenger ships operating to or from ports in Member States of the Community and to ensure that search and rescue and the aftermath of any accident which may occur can be dealt with more effectively.

Article 2

For the purposes of this Directive:

- 'persons' shall mean all people on board irrespective of age,
- 'passenger ship' shall mean a sea-going ship or a sea-going high-speed craft which carries more than twelve passengers,
- 'high-speed craft' shall mean a high-speed craft as defined in Regulation 1 of Chapter X of the 1974 SOLAS Convention, as in force at the time of the adoption of this Directive,
- 'company' shall mean the owner of a passenger ship or any other organisation or person such as the manager or the bareboat charterer, who has assumed responsibility for operating the passenger ship from the owner,
- 'ISM Code' shall mean the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization (IMO) through Assembly Resolution A.741(18) of 4 November 1993,

⁽¹⁾ OJ L 281, 23. 11. 1995, p. 31.

⁽²⁾ OJ L 247, 5. 10. 1993, p. 19.

- ‘passenger registrar’ shall mean the responsible shore-based person designated by a company to fulfil the ISM Code obligations or a shore-based person designated by a company as responsible for the keeping of information on persons who have embarked on a company passenger ship,
- ‘designated authority’ shall mean the competent authority of the Member State responsible for search and rescue or concerned with the aftermath of an accident,
- ‘a mile’ is 1 852 metres,
- ‘protected sea area’ shall mean a sea area sheltered from open sea effects where a ship is at no time more than six miles from a place of refuge where shipwrecked persons can land and in which the proximity of search and rescue facilities is ensured,
- ‘regular service’ shall mean a series of ship crossings operated so as to serve traffic between the same two or more ports, either:
 - (a) according to a published timetable, or
 - (b) with crossings so regular or frequent that they constitute a recognizable systematic series,
- ‘third country’ shall mean any country which is not a Member State.

Article 3

This Directive shall apply to passenger ships with the exception of:

- ships of war and troop ships, and
- pleasure yachts unless they are or will be crewed and carry more than twelve passengers for commercial purposes.

Article 4

1. All persons on board any passenger ship which departs from a port located in a Member State shall be counted before that passenger ship departs.

2. Before the passenger ship departs the number of persons on board shall be communicated to the master of the passenger ship and to the company’s passenger registrar or to a shore-based company system that performs the same function.

Article 5

1. The following information shall be recorded regarding every passenger ship that departs from a port located in a Member State to undertake a voyage of more than twenty miles from the point of departure:

- the family names of the persons on board,
- their forenames or initials,
- their sex,
- an indication of the category of age (adult, child or infant) to which each person belongs, or the age, or the year of birth,
- when volunteered by a passenger, information concerning the need for special care or assistance in emergency situations.

2. That information shall be collected before departure and communicated not later than thirty minutes after the passenger ship’s departure to the company’s passenger registrar or to a shore-based company system that performs the same function.

Article 6

1. Each Member State shall, as regards every passenger ship that flies its flag and departs from a port located outwith the Community and is bound for a port located within the Community, require the company to ensure that the information specified in Articles 4(1) and 5(1) is provided as laid down in Articles 4(2) and 5(2).

2. Each Member State shall, as regards every passenger ship that flies the flag of a third country and departs from a port located outwith the Community and is bound for a port located within the Community, require the company to ensure that the information specified in Articles 4(1) and 5(1) is collected and maintained so that it is available to the designated authority when needed for purposes of search and rescue and in the aftermath of an accident.

3. Where under the relevant SOLAS provisions a Member State grants an exemption or derogation relating to the information concerning passengers to a ship flying its flag arriving at a port located within the Community from a port located outwith the Community, it may do so only under the conditions laid down for exemptions or derogations in this Directive.

Article 7

Before a passenger ship departs from a port located in a Member State its master shall ensure that the number of persons on board does not exceed the number the passenger ship is permitted to carry.

Article 8

Each company assuming responsibility for operating a passenger ship shall, where required under Articles 4 and 5:

- set up a system for the registration of passenger information. The system shall meet the criteria laid down in Article 11,

— appoint a passenger registrar responsible for the keeping and the transmission of that information should an emergency occur or in the aftermath of an accident.

The company shall ensure that the information required by this Directive is at all times readily available for transmission to the designated authority for search and rescue purposes in the event of an emergency or in the aftermath of an accident.

Personal data collected in accordance with Article 5 shall not be kept longer than necessary for the purposes of this Directive.

The company shall ensure that information concerning persons who have declared a need for special care or assistance in emergency situations is properly recorded and communicated to the master before the passenger ship departs.

Article 9

1. A Member State from a port in which a passenger ship departs may lower the twenty-mile threshold laid down in Article 5.

Any decision lowering that threshold for journeys between two ports in different Member States shall be taken jointly by those two Member States.

2. (a) When implementing Article 4(1) the Italian Republic may, for regular services crossing the Strait of Messina, adopt provisions for counting the maximum number of persons permitted to be carried on board a passenger ship carrying passenger-train carriages and road vehicles on the basis of the maximum number of passengers authorised to be carried by train carriages and all other vehicles on board, if the persons cannot be counted individually for operational reasons. The application of this provision shall be limited to a period of four years. Any extension shall be decided, in accordance with paragraph 3, in the light of the experience gained.

(b) A Member State from a port in which a ship departs may exempt passenger ships operating, exclusively in protected sea areas, regular services of less than one hour between port calls from the obligation laid down in Article 4(2) to communicate the number of persons on board to the passenger registrar or to a shore-based company system that performs the same function.

(c) A Member State may exempt passenger ships sailing, exclusively in protected sea areas, between two ports or from and to the same port without intermediate calls from the obligations laid down in Article 5.

3. In the circumstances set out in paragraph 2, the following procedure shall apply:

- (a) the Member State shall without delay inform the Commission of its decision to grant an exemption or a derogation from the relevant provisions of Articles 4 and 5 giving substantive reasons therefor;
- (b) if within six months of such notification the Commission considers that that decision is not justified or could have adverse effects on competition, it may, acting in accordance with the procedure laid down in Article 13, require the Member State to amend or withdraw its decision.

4. For regular services in an area where the annual probability of the significant wave height's exceeding two metres is less than 10%, and

- if the voyage does not exceed about thirty miles from the point of departure or
- where the primary purpose of the service is to provide regular links to outlying communities for customary purposes,

a Member State from a port in which passenger ships sail on domestic voyages or two Member States between ports in which passenger ships sail may request the Commission, if they consider it impracticable for companies to record the information specified in Article 5(1) to derogate, wholly or partly, from this requirement.

To this end, evidence of such impracticability shall be provided. In addition, it shall be demonstrated that in the area where such ships operate, shore-based navigational guidance and reliable weather forecasts are provided and that adequate and sufficient search and rescue facilities are available. Derogations granted under this paragraph may not have any adverse effect on competition.

A decision shall be taken in accordance with the procedure laid down in Article 13.

5. A Member State shall not, under the provisions of this Directive, exempt or grant derogations to any passenger ship sailing from its ports and flying the flag of a third country that is a contracting party to the SOLAS Convention which under the relevant SOLAS provisions does not agree to the application of such exemptions.

Article 10

The registration systems set up in accordance with Article 8 shall be approved by the Member States.

Member States shall at least carry out random checks on the proper functioning of the registration systems set up pursuant to this Directive within their territories.

Each Member State shall designate the authority to which the companies covered by Article 8 shall communicate the information required by this Directive.

Article 11

1. For the purposes of this Directive registration systems shall meet the following functional criteria:

(i) *readability:*

the required data must be in a format that is easy to read,

(ii) *availability:*

the required data must be easily available to the designated authorities for which the information contained in the system is relevant,

(iii) *facilitation:*

the system must be designed in such a way that no undue delay is caused for passengers embarking and/or disembarking the vessel;

(iv) *security:*

the data must be appropriately protected against accidental or unlawful destruction or loss and unauthorised alteration, disclosure or access.

2. A multiplicity of systems on the same or similar routes is to be avoided.

Article 12

Without prejudice to the procedures for amending the SOLAS Convention, this Directive may be amended in accordance with the procedure laid down in Article 13, in order to ensure the application, for the purposes of this Directive and without broadening its scope, of subsequent amendments to the SOLAS Convention relating to the registration systems which have entered into force after the adoption of this Directive.

Article 13

The Commission shall be assisted by the committee set up pursuant to Article 12(1) of Directive 93/75/EEC. The

committee shall operate in accordance with the procedure laid down in paragraphs 2 and 3 of that Article.

Article 14

Member States shall lay down systems of penalties for breaching the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive.

Article 15

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1999. They shall forthwith inform the Commission thereof. Article 5 shall be applied no later than 1 January 2000.

2. When the Member States adopt those measures, they shall contain references to this Directive or shall be accompanied by such references on the occasion of their official publication. The methods of making such references shall be laid down by the Member States.

3. The Member States shall immediately communicate to the Commission the texts of all provisions of national law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 16

This Directive shall enter into force on the twentieth day after its publication.

Article 17

This Directive is addressed to the Member States.

Done at Luxembourg, 18 June 1998.

For the Council

The President

G. STRANG

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 June 1998

amending Decision 98/339/EC concerning certain protective measures relating to classical swine fever in Spain

(notified under document number C(1998) 1778)

(Text with EEA relevance)

(98/411/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10(4) thereof,

Whereas a number of outbreaks of classical swine fever have occurred in Spain;

Whereas Spain has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by the act of Accession of Austria, Finland and Sweden;

Whereas as a result of disease situation it was necessary to adopt Commission Decision 97/285/EC of 30 April 1997⁽⁴⁾ concerning certain protection measures relating to classical swine fever in Spain, to amend it by Decisions

97/446/EC⁽⁵⁾, 98/93/EC⁽⁶⁾ and 98/271/EC⁽⁷⁾ and to repeal it by Decision 98/339/EC⁽⁸⁾;

Whereas Spain has adopted the national serosurveillance programme for classical swine fever approved with Commission Decision 98/176/EC of 18 February 1998⁽⁹⁾;

Whereas due to classical swine fever favourable evolution it is necessary to modify adopted measures concerning the movement of pigs and the trade of boar semen from some areas of Spain;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Annex I of Commission Decision 98/339/EC is replaced by Annex I to this Decision.
2. Annex II of Commission Decision 98/339/EC is replaced by Annex II to this Decision.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 114, 1. 5. 1997, p. 47.

⁽⁵⁾ OJ L 190, 19. 7. 1997, p. 48.

⁽⁶⁾ OJ L 18, 23. 1. 1998, p. 35.

⁽⁷⁾ OJ L 120, 23. 4. 1998, p. 23.

⁽⁸⁾ OJ L 148, 19. 5. 1998, p. 43.

⁽⁹⁾ OJ L 65, 5. 3. 1998, p. 26.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Comarcas in the province of Lerida**

Pla D'Urgell

Urgell

Noguera

Segrià

Garrigues

Segarra

Comarcas veterinarias in the province of Zaragoza

Alagón

Borja

Tauste

Zaragoza

Illueco

La Almunia de Doña Godina

Comarcas veterinarias in the province of Sevilla

Los Alcores

*ANNEX II***Comarcas veterinarias in the province of Lerida**

Garrigues

Segarra

COMMISSION DECISION

of 26 June 1998

repealing Decision 97/216/EC concerning certain protection measures relating to
classical swine fever in the Netherlands

(notified under document number C(1998) 1780)

(Text with EEA relevance)

(98/412/EC)

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

Having regard to Council Directive 90/425/EEC of 26
June 1990 concerning veterinary and zootechnical checks
applicable in intra-Community trade in certain live
animals and products with a view to the completion of
the internal market⁽¹⁾, as last amended by Directive
92/118/EEC⁽²⁾ and, in particular, Article 10(4) thereof,

Whereas outbreaks of classical swine fever have occurred
in the Netherlands;

Whereas the Netherlands have taken measures within the
framework of Council Directive 80/217/EEC of 22
January 1980, introducing Community measures for the
control of classical swine fever⁽³⁾, as last amended by the
Act of Accession of Austria, Finland and Sweden;

Whereas, as a result of the disease situation the Commis-
sion adopted Decision 97/216/EC of 26 March 1997⁽⁴⁾,
concerning protection measures relating to classical swine
fever in the Netherlands and repealing Commission
Decision 97/122/EC;

Whereas Decision 97/216/EC was amended by Decision
98/226/EC⁽⁵⁾, that was amended by Decision
98/338/EC⁽⁶⁾;

Whereas Dutch Authorities have informed the Standing
Veterinary Committee of the measures adopted in the
Netherlands to improve the control of movements of
pigs;

Whereas, as a result of the favourable evolution of the
disease, it is necessary to repeal Decision 97/216/EC;

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

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 97/216/EC is hereby repealed.

Article 2

The Member States shall amend the measures they apply
to trade so as to bring them into compliance with this
Decision. They shall immediately inform the Commis-
sion thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 87, 2. 4. 1997, p. 24.

⁽⁵⁾ OJ L 85, 20. 3. 1998, p. 34.

⁽⁶⁾ OJ L 148, 19. 5. 1998, p. 41.

COMMISSION DECISION

of 26 June 1998

amending Decision 98/104/EC concerning certain protection measures relating to classical swine fever in Germany

(notified under document number C(1998) 1808)

(Text with EEA relevance)

(98/413/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Council Directive 92/118/EEC ⁽²⁾ and, in particular, Article 10(4) thereof,

Whereas outbreaks of classical swine fever have occurred in Germany;

Whereas in view of the trade in live pigs, semen, embryos and ova, these outbreaks and the infection in the feral pig population are liable to endanger the herds of other Member States;

Whereas Germany has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980, introducing Community measures for the control of classical swine fever ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas due to the spread of classical swine fever from the infected feral pig population to domestic pig holdings Commission Decision 98/104/EC ⁽⁴⁾ was adopted;

Whereas the amended plans presented by Germany for the eradication of classical swine fever in feral pigs in Lower Saxony, Brandenburg and Mecklenburg-Western Pomerania were examined by the Standing Veterinary Committee on 9 June 1998;

Whereas, as a result of the favourable evolution of the disease, it is necessary to amend Commission Decision 98/104/EC;

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

Decision 98/104/EC is amended as follows:

1. The following paragraph replaces paragraph 2 of Article 1:

‘2. Germany shall not send slaughter pigs from the areas described in the Annex to other parts of Germany unless the pigs are for direct slaughter and are slaughtered at slaughterhouses in Germany designated by the competent veterinary authorities. The means of transport shall be officially sealed.’

2. The following paragraphs are inserted in Article 1:

‘3. Germany shall not send pigs for breeding and production from the areas described in the Annex to other parts of Germany unless the pigs:

(a) come from a holding where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question;

(b) have been subject to a test for detecting:

— antibodies to classical swine fever virus and found negative,

— classical swine fever virus and found negative.

The samples for serological and virological examination shall be collected in accordance with the provisions of Annex IV, point 1 of Directive 80/217/EEC. The laboratory examinations shall be carried out in accordance with the provisions of Annex I to the said Directive. For detection of virus, however an antigen detection Elisa test approved by the competent authority of Germany may be used.

The examination for antibodies and virus/antigen shall be carried out within ten days of certification;

(c) come from a holding where an inspection of all pigs and a clinical examination of the pigs to be moved, including the taking of temperature of a

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 98.

proportion thereof have been carried out by the official veterinarian within 24 hours of dispatch;

- (d) are properly identified by eartags at the holding of origin so that these can be ascertained and traced back.

4. The movement of pigs referred to in paragraph 3 shall only be allowed:

- following three days advanced notification to the competent local veterinary authority responsible for the holding of destination and dispatched by the local veterinary authority,
- directly from the holding of dispatch to the holding of destination,
- to holdings of destination where the pigs are subject to official observation during a 30-day period after arrival and where no pig leaves the holdings during this period unless directly for slaughter.

Such pigs must not be dispatched to another Member State.

5. The pigs referred to in paragraph 1 shall during transport be accompanied by a health certificate issued by an official veterinarian. The means of transport shall be officially sealed.'

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission
