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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1561/98
of 20 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 1498/98 ⁽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 21 July 1998.

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 20 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
0702 00 00	066	53,2
	999	53,2
0709 90 70	052	43,3
	999	43,3
0805 30 10	382	62,0
	388	64,4
	524	72,8
	528	57,9
	999	64,3
0808 10 20, 0808 10 50, 0808 10 90	388	76,7
	400	87,2
	508	96,3
	512	69,8
	524	70,6
	528	76,8
	800	212,7
	804	113,0
	999	100,4
	388	103,6
0808 20 50	512	84,0
	528	94,6
	804	181,6
	999	116,0
0809 10 00	052	234,4
	064	122,1
	066	114,7
	999	157,1
0809 20 95	052	348,1
	064	208,0
	400	288,2
	404	426,5
	616	235,2
0809 40 05	999	301,2
	052	137,0
	064	103,9
	624	252,3
	999	164,4

⁽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 1562/98
of 20 July 1998
fixing the agricultural conversion rates

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

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 932/98 ⁽³⁾;

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

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as last amended by Regulation (EC) No 961/98 ⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 11 July to 20 July 1998, it is necessary to fix a new agricultural conversion rate for the Greek drachma;

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

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

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

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

Article 3

Regulation (EC) No 932/98 is hereby repealed.

Article 4

This Regulation shall enter into force on 21 July 1998.

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 130, 1. 5. 1998, p. 16.

⁽⁴⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,56225	Danish kroner
	1,98391	German marks
	338,319	Greek drachmas
	203,183	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23593	Dutch guilders
	0,796521	Irish punt
1 973,93		Italian lire
	13,9576	Austrian schillings
	168,336	Spanish pesetas
	8,79309	Swedish kroner
	0,677353	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,27139	Danish kroner		7,87734	Danish kroner
	1,90761	German marks		2,06657	German marks
	325,307	Greek drachmas		352,416	Greek drachmas
	195,368	Portuguese escudos		211,649	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14993	Dutch guilders		2,32909	Dutch guilders
	0,765886	Irish punt		0,829709	Irish punt
1 898,01		Italian lire	2 056,18		Italian lire
	13,4208	Austrian schillings		14,5392	Austrian schillings
	161,862	Spanish pesetas		175,350	Spanish pesetas
	8,45489	Swedish kroner		9,15947	Swedish kroner
	0,651301	Pound sterling		0,705576	Pound sterling

COMMISSION REGULATION (EC) No 1563/98**of 20 July 1998****amending Regulation (EC) No 956/97 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 with regard to specific measures applicable to processed asparagus**

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

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as amended by Regulation (EC) No 2199/97 ⁽²⁾, and in particular Article 10(4) thereof,

Whereas Commission Regulation (EC) No 956/97 ⁽³⁾ provides that representative associations are to submit programmes of specific measures before 30 June 1998; whereas the time required for setting up those representative associations as defined in Article 1(a) of that Regulation has proved to be longer than initially provided for; whereas, as a result, it is necessary to extend the aforementioned time limit by one year to enable that Regulation to be implemented;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(b) of Regulation (EC) No 956/97, '30 June 1998' is replaced by '30 June 1999'.

Article 2

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

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ L 303, 6. 11. 1997, p. 1.

⁽³⁾ OJ L 139, 30. 5. 1997, p. 10.

COMMISSION REGULATION (EC) No 1564/98
of 20 July 1998
on a special intervention measure for barley in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as amended by Commission Regulation (EEC) No 923/96⁽²⁾, and in particular Article 6 thereof,

Whereas production of barley in Spain exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of barley to non-member countries; whereas, in view of world market prices for barley, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 13 of Regulation (EEC) No 1766/92 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of barley from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of barley may be expected to enter intervention storage in Spain during the marketing year in accordance with Article 4 of Regulation (EEC) No 1766/92, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken pursuant to Article 6 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Spain, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on barley of the quality required for acceptance for intervention, as defined in Commission

Regulation (EEC) No 689/92⁽³⁾, as last amended by Regulation (EC) No 1424/98⁽⁴⁾; whereas the competent agency must make certain barley exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it, *mutatis mutandis*, Article 13 of Regulation (EEC) No 1766/92 and the regulations adopted for the application thereof, in particular Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽⁵⁾, as last amended by Regulation (EC) No 2052/97⁽⁶⁾;

Whereas Regulation (EC) No 1501/95 requires tenderers to apply for an export licence among their other undertakings; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a security of ECU 12 per tonne when they submit their tenders;

Whereas the cereals in question should be actually exported from the Member State for which a particular intervention measure was implemented; whereas it is, therefore, necessary to restrict the use of export licences to exports from the Member State in which the licence was applied for;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 250 000 tonnes of barley produced in Spain.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ L 190, 4. 7. 1998, p. 14.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁶⁾ OJ L 287, 21. 10. 1997, p. 14.

Article 13 of Regulation (EEC) No 1766/92 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of barley referred to in Article 1(1) for export to all third countries.

3. The invitation shall remain open until 27 May 1999. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for the submission of tenders for the first partial invitation to tender shall be 23 July 1998.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EC) No 1501/95.

Article 3

A tender shall be valid only if:

- (a) it relates to not less than 1 000 tonnes;
- (b) it is accompanied by a written undertaking from the tenderer specifying that it relates solely to barley grown in Spain, which is to be exported from Spain.

Where the undertaking referred to in paragraph (b) is not fulfilled, the security provided for in Article 10 of Commission Regulation (EC) No 1162/95⁽¹⁾ shall be forfeited, except in cases of *force majeure*.

Article 4

Under the tendering procedure referred to in Article 2, box 20 of applications and the export licences shall indicate the following:

‘Reglamento (CE) n° 1564/98 certificado válido exclusivamente en España.’

Article 5

The security referred to in Article 5 of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

⁽¹⁾ OJ L 117, 24. 5. 1995, p. 2.

Article 6

1. By way of derogation from Article 21(1) of Commission Regulation (EEC) No 3719/88⁽²⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of the issue.

3. Notwithstanding Article 11 of Regulation (EEC) No 3719/88, export licences under this tendering procedure shall be valid in Spain only.

Article 7

1. The Commission shall decide, under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the barley exported is of at least intervention quality in Spain as defined in Article 2(2) of Regulation (EEC) No 689/92.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

4. Where the quality does not correspond to that defined in paragraph 3, the refund shall be reduced by ECU 15 per tonne.

Article 8

Tenders submitted must reach the Commission through the intervention of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

⁽²⁾ OJ L 331, 2. 12. 1988, p. 1.

Article 9

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

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Weekly tender for the refund for the export of Spanish barley to all third countries**

(Regulation (EC) No 1564/98)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
etc.		

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: 22037 AGREC B
22070 AGREC B (Greek characters)
- telefax: — 296 49 56/236 25 15.
-

COMMISSION REGULATION (EC) No 1565/98
of 20 July 1998
concerning applications for export licences for rice and broken rice with advance
fixing of the refund

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⁾,

Having regard to Commission Regulation (EC) No 1162/95 ⁽³⁾, as last amended by Regulation (EC) No 444/98 ⁽⁴⁾, and in particular the second subparagraph of Article 7(4) thereof,

Whereas Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported; whereas Commission Regulation (EC) No 1346/98 ⁽⁵⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 275 tonnes;

Whereas the quantities applied for on 17 July 1998 are in excess of the available quantity of 275 tonnes; whereas a

percentage reduction should therefore be fixed for export licence applications submitted on 17 July 1998;

Whereas, in view of its purpose, this Regulation should take effect from the day of its publication in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for rice and broken rice with advance fixing of the refund submitted under Regulation (EC) No 1346/98 on 17 July 1998 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 89,13 % has been applied.

Article 2

Applications for export licences for rice and broken rice submitted from 20 July 1998 shall not give rise to the issue of export licences under Regulation (EC) No 1346/98.

Article 3

This Regulation shall enter into force on 21 July 1998.

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

Done at Brussels, 20 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 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 56, 26. 2. 1998, p. 12.

⁽⁵⁾ OJ L 184, 27. 6. 1998, p. 12.

COMMISSION REGULATION (EC) No 1566/98**of 20 July 1998****on the issue of system B export licences in the fruit and vegetables sector**

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 1276/98 ⁽³⁾, as amended by Regulation (EC) No 1302/98 ⁽⁴⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for apples destined for geographical groups X and Y and peaches and nectarines will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for apples destined for geographical groups X and Y and peaches and nectarines exported after 20 July 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for apples destined for geographical groups X and Y and peaches and nectarines submitted pursuant to Article 1 of Regulation (EC) No 1276/98, export declarations for which are accepted after 20 July 1998 and before 16 September 1998, are hereby rejected.

Article 2

This Regulation shall enter into force on 21 July 1998.

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 176, 20. 6. 1998, p. 6.

⁽⁴⁾ OJ L 180, 24. 6. 1998, p. 12.

COMMISSION REGULATION (EC) No 1567/98
of 20 July 1998

fixing, for the 1997/98 marketing year, the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 59/97⁽²⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 5 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽³⁾, as last amended by Regulation (EC) No 1148/98⁽⁴⁾, and the production levy and additional levy referred to, respectively, in Articles 28 and 28a of that Regulation shall be converted into national currency using a specific agricultural conversion rate equal to the average, calculated pro rata temporis, of the agricultural conversion rates applicable during the marketing year in question; whereas that specific agricultural conversion rate must be fixed during the month following the end of the marketing year in question;

Whereas the application of these provisions results in the fixing, for the 1997/98 marketing year, of the specific agricultural conversion rate for the conversion of minimum sugarbeet prices as well as the production levy and, where appropriate, additional levy into the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used for conversion of the minimum sugarbeet prices referred to in Article 5 of Regulation (EEC) No 1785/81 and the production levy and, where appropriate, additional levy referred to, respectively, in Articles 28 and 28a of that Regulation, into each of the national currencies, shall be fixed, for the 1997/98 marketing year, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 1998.

It shall apply from 1 July 1997.

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

Done at Brussels, 20 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽²⁾ OJ L 14, 17. 1. 1997, p. 25.

⁽³⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽⁴⁾ OJ L 159, 3. 6. 1998, p. 38.

ANNEX

to the Commission Regulation of 20 July 1998 fixing, for the 1997/1998 marketing year, the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levies and the additional levy in the sugar sector

Agricultural conversion rates		
ECU 1 =	40,9112	Belgian and Luxembourg francs
	7,55003	Danish kroner
	1,98185	German marks
	322,674	Greek drachmas
	167,415	Spanish pesetas
	6,68473	French francs
	0,775692	Irish pound
1 973,93		Italian lire
	2,23232	Dutch guilders
	13,9442	Austrian schillings
	201,304	Portuguese escudos
	6,02811	Finnish marks
	8,77482	Swedish kroner
	0,696270	Pound sterling

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 29 June 1998

on the suitability of blood and plasma donors and the screening of donated blood in the European Community

(98/463/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129(4), second indent,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

- (1) Whereas in accordance with Article 3(o) of the Treaty, Community activity is to include a contribution towards the attainment of a high level of health protection;
- (2) Whereas the Commission's Communication of 21 December 1994 on Blood Safety and Self-sufficiency in the European Community identified the need for a blood strategy in order to reinforce confidence in the safety of the blood transfusion chain and promote Community self-sufficiency;
- (3) Whereas, in response to the Commission's Communication, the Council adopted, on 2 June 1995, a Resolution on blood safety and self-sufficiency in the Community⁽²⁾;
- (4) Whereas the Council adopted, on 12 November 1996, a Resolution on a strategy towards blood safety and self-sufficiency in the European Community⁽³⁾;

- (5) Whereas the European Parliament in its Resolutions on blood safety and self-sufficiency in the European Community⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾ has stressed the importance of ensuring the highest level of safety in the selection of donors and the testing of donations and the principle of voluntary unpaid donations and has reiterated its continued support for the objective of Community self-sufficiency;

- (6) Whereas Directive 89/381/EEC⁽⁸⁾ extended the scope of pharmaceutical legislation to guarantee the quality, safety, and efficacy of proprietary industrially prepared medicinal products derived from human blood or human plasma; whereas that Directive as such does not apply to whole blood, to plasma, or to blood cells of human origin;

- (7) Whereas therapeutic use of blood and medicinal products derived from human blood and plasma contributes significantly to saving lives and yields considerable benefits for those suffering from long term blood disorders; whereas, however, in spite of their significant therapeutic value, blood, blood

⁽⁴⁾ OJ C 268, 4. 10. 1993, p. 29.

⁽⁵⁾ OJ C 329, 6. 12. 1993, p. 268.

⁽⁶⁾ OJ C 141, 13. 5. 1996, p. 131.

⁽⁷⁾ OJ C 249, 25. 9. 1995, p. 231.

⁽⁸⁾ Council Directive 89/381/EEC of 14 June 1989 extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relation to proprietary medicinal products and laying down special provisions for medicinal products derived from human blood or human plasma (OJ L 181, 28. 6. 1989, p. 44).

⁽¹⁾ OJ C 138, 4. 5. 1998, p. 139.

⁽²⁾ OJ C 164, 30. 6. 1995, p. 1.

⁽³⁾ OJ C 374, 11. 12. 1996, p. 1.

components, and blood and plasma derivatives have the potential to transmit infectious diseases;

- (8) Whereas the availability of blood and plasma used for therapeutic purposes and as starting material for the manufacture of medicinal products is dependent on the willingness and generosity of Community citizens who are prepared to donate;
- (9) Whereas donations should be voluntary and unpaid;
- (10) Whereas in respect of blood or plasma as a starting material for the manufacture of medicinal products, Article 3 of Directive 89/381/EEC refers to measures covered by the amendments to testing requirements, referred to in Article 6 of that Directive, to be taken by Member States to prevent the transmission of infectious diseases, including the application of the monographs of the European Pharmacopoeia and the measures recommended by the Council of Europe and the World Health Organisation (WHO) particularly with reference to the selection and testing of blood and plasma donors; to promote Community self-sufficiency in human blood or human plasma; and to encourage voluntary unpaid donations of blood and plasma;
- (11) Whereas it is not always possible to know at the time of whole blood or plasma collection which donation may be used for further manufacture rather than used in transfusion;
- (12) Whereas all blood and plasma used for therapeutic purposes, whether for transfusion or for further manufacture into industrially-prepared medicinal products, should be obtained from individuals whose health status is such that no detrimental effects to their state of health will ensue as a result of the donation and any risk of transmission of infectious diseases is minimised; whereas each and every blood donation should be tested in accordance with rules which provide assurances that all necessary measures have been taken to safeguard the health of Community citizens who are the recipients of blood and blood products;
- (13) Whereas given that the blood transfusion systems in the Member States exist to serve their citizens, it is necessary to secure their confidence in the safety of these systems;
- (14) Whereas there are disparities in policies and practices among the Member States regarding the selection of donors and the screening of donations within the Community for epidemiological, historical and cultural reasons;
- (15) Whereas to ensure sufficient supply for clinical purposes, cooperation among the Member States is essential in order to overcome such disparities and build mutual confidence in all aspects of safety of the blood transfusion chain;
- (16) Whereas the suitability of an individual to donate blood and plasma is an essential component in contributing to the safety of blood and blood products;
- (17) Whereas information should be sought from potential donors on the basis of a written questionnaire, which may vary from Member State to Member State, whose aim should be to identify common risk behaviour and diseases;
- (18) Whereas it is essential that all measures be taken to safeguard the health of those who give blood or plasma and to minimise the hazard of transmission of infectious diseases by blood or blood products;
- (19) Whereas convergence of practice throughout the Community in the acceptance of donors, the screening of donations and the recording of relevant data will help to contribute to increasing confidence in the safety of blood and plasma donations and the transfusion process; whereas in order to bring about such convergence of practice, measures are required at Community level;
- (20) Whereas measures at Community level should take into account existing guidelines, recommendations and standards in the area of blood at national level and international level, in particular those of the WHO and of the Council of Europe;
- (21) Whereas in accordance with the principle of subsidiarity, any new measure taken in an area which does not fall within the exclusive competence of the Community, such as donor suitability and testing of donations, may be taken up by the Community only if, by reason of the scale or effects of the proposed action, the objectives of the proposed action can be better achieved by the Community than by Member States; whereas commonly agreed recommendations on donor suitability and testing of donations need, therefore, to be introduced in order to contribute to the safety of donated blood and plasma and the health protection of donors and to permit confidence in the safety of the transfusion chain among citizens, especially as they move about within the Community, and to contribute to the attainment of Community self-sufficiency as provided for in Community legislation;

- (22) Whereas however, Member States remain free, while respecting the provisions of the Treaty or measures adopted thereunder, to maintain or introduce requirements over and above the core criteria recommended in this Recommendation, and remain responsible for decisions about the import and export of donated blood and plasma;
- (23) Whereas in accordance with the principle of proportionality, the means to be deployed at Community level for promoting sound practices and consistency throughout the Community in the suitability of blood and plasma donors and the screening of donated blood must be in proportion to the objective pursued; whereas recommendations by the Council, pursuant to Article 129 of the Treaty, are the appropriate means for doing so at Community level; whereas such recommendations must be congruent with Directive 89/381/EEC;
- (24) Whereas recommendations on donor suitability and testing requirements form part of a strategy to enhance the safety of the blood transfusion chain, the other elements of which include the inspection and accreditation of blood collection establishments, requirements related to quality assurance of the processes involved, the optimal use of blood and blood products, haemovigilance and public awareness;
- (25) Whereas it is necessary that the best possible scientific advice is available to the Community in relation to the safety of blood and blood products and that the precautionary principle prevails when scientific evidence is not available;
- (26) Whereas Directive 95/46/EC of the European Parliament of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data⁽¹⁾ lays down special requirements for the processing of data concerning health,

HEREBY RECOMMENDS THAT:

1. Definitions

For the purpose of this Recommendation, Member States should assign to the terms listed in Annex I the meaning given to them therein.

⁽¹⁾ OJ L 281, 23. 11. 1995, p. 31.

2. Provision of information to prospective donors

Member States should ensure that all prospective donors of blood or plasma are provided with:

2.1. For donor awareness

- (a) accurate but generally understandable educational materials about the essential nature of blood, the products derived from it, and the important benefits to patients of blood and plasma donations;
- (b) the reasons for requiring a medical history, physical examination, and the testing of donations; information on the risk of infectious diseases that may be transmitted by blood and blood products; the signs and symptoms of HIV/AIDS and hepatitis, and the significance of 'informed consent', self-deferral, and temporary and permanent deferral;
- (c) the reasons why they should not donate which may be detrimental to their own health;
- (d) the reasons why they should not donate which put recipients at risk, such as unsafe sexual behaviour, HIV/AIDS, hepatitis, drug addiction and the use and abuse of drugs;
- (e) the option of changing their mind about donating prior to proceeding further without any undue embarrassment or discomfort;
- (f) information on the possibility of withdrawing or self-deferring at any time during the donation process;
- (g) the opportunity to ask questions at any time;
- (h) the assurance that if test results show evidence of any pathology, they will be informed and deferred from donation, as recommended in Annex II B and C, for their own safety as well as that of potential recipients; prospective donors who object to being so informed should be excluded from the donation process;
- (i) specific information on the nature of the procedures involved in the donation process and associated risks for those willing to participate in whole blood donation or in apheresis programmes.

2.2. For confidentiality

- (a) information on the measures taken to ensure the confidentiality of: any health-related information

provided to the health personnel, the results of the tests on their donations, as well as any future traceability of their donation;

- (b) the assurance that all interviews with prospective donors are carried out in confidence;
- (c) the option of requesting through a confidential self-deferral procedure the blood and plasma collection establishment not to use their donation.

3. Information required from prospective donors

Member States should ensure that, upon agreement of a willingness to proceed to donate blood or plasma, all prospective donors provide to the blood and plasma collection establishment:

3.1. Identification

Appropriate means of identification, providing name (first and surname), address, and date of birth, or alternative means allowing each donor to be uniquely identified.

3.2. Health history

- (a) Information on their health and medical history, including any relevant behavioural characteristics, that may assist in identifying and screening out persons whose donation could present a health risk to themselves or a risk of transmitting diseases to others, by way of a written questionnaire addressing the criteria recommended in Annex II and a personal interview with a trained health care staff member.
- (b) Their signature alongside that of the health care staff member conducting the interviews on the donor questionnaire or their signature on a separate attestation to acknowledge that the educational materials provided have been read and understood, that the opportunity to ask questions has been presented, and that satisfactory responses have been received; to give their agreement that their blood or plasma donation could be used for patients needing transfusion or blood products in the country where the donation is made or in another country, to which it would be transferred in accordance with the provisions of the legislation of the country where the donation is made, particularly with regard to the destination of the donation; and to indicate their informed consent that they wish to proceed with the donation process.

4. Registration of donor

Member States should ensure the establishment of a donor identification/registration system to:

4.1. Donor centre identification

Permit every donation establishment in each Member State to be uniquely identified;

4.2. Donor identification and records

- (a) Record information regarding the identification of prospective donors in an automated or manual system which allows verification each time a donation is made;
- (b) Provide for the keeping of records on donors and prospective donors in such a way as to ensure unique identification, protect the identity of the donor from unauthorised access to confidential information, but facilitate future traceability of any donation;
- (c) Allow for the inclusion of information related to adverse donor reaction to the donation, reasons for preventing an individual from donating, whether on a temporary or permanent basis while ensuring confidentiality.

5. Donor eligibility

Member States, in order to ensure the eligibility of individuals to be accepted as donors of blood and plasma, should ensure that:

5.1. Eligibility criteria for the acceptance of donors of whole blood and donors of components by apheresis

- (a) the general criteria for the acceptance of blood and plasma donors are publicised in every donation establishment and that clear messages are presented to donors as to the importance of their willingness to donate but also the importance of the acceptance criteria;
- (b) the responses given to the issues raised in the written questionnaire and/or the personal interview provide the necessary confidence that the donation will not adversely affect the health of a future recipient of the products derived from that donation;
- (c) the prospective donor meets the physical requirements criteria recommended in Annex II A in order that there are no detrimental effects to his/her own health as a result of the donation;
- (d) the prospective donor's eligibility is determined at each donation session;
- (e) the practice of using 'replacement donors' is phased out;

- (f) a responsible physician gives his/her written authorisation of the acceptance of prospective donors, when their eligibility may be questionable;

5.2. *Deferral criteria for donors of whole blood and donors of components by apheresis*

Those who may show evidence of any of the conditions and characteristics listed in Annex II B and C should be declared either permanently or temporarily ineligible to donate blood and plasma;

5.3. *Deferral records*

Donation establishments should maintain a record of any prospective donor deferral, whether permanent or temporary, including the reasons why.

6. **Data protection**

Member States should, in accordance with Directive 95/46/EC, ensure the confidentiality of sensitive medical information about prospective donors, and in particular:

- (a) ensure that data security measures are in place as well as safeguards against unauthorised data additions, deletions or modifications to donor files or deferral registers, and transfer of information;
- (b) ensure that procedures are in place to resolve data discrepancies;
- (c) prevent the unauthorised disclosure of such information, while ensuring the traceability of donations.

7. **Volumes and time intervals**

To protect the health of the donor, Member States should ensure that:

- (a) volumes of blood and plasma collected are no greater than those recommended in Annex III;
- (b) time intervals between donations are no less than those recommended in Annex III;
- (c) medical attention is available to the donor in the event of an adverse event related to the donation.

8. **Testing samples of donated blood**

Member States, in order to ensure the safety of all blood and plasma donations, should:

- (a) ensure that a sample of all donations of blood or plasma whether intended for transfusion purposes or for further manufacturing into industrially prepared medicinal products is tested for diseases transmissible by blood or plasma using approved screening tests to eliminate units that are repeat reactive;
- (b) ensure that all blood and plasma donations be found non-reactive for the transmissible disease markers listed in Annex IV prior to use;
- (c) require re-testing of the blood samples found to be reactive in an initial screening test taking account of the indicative algorithm set out in Annex V.

9. **Additional measures**

Member States should:

- (a) ensure that appropriate provisions are in place in the donation establishment for counselling, as appropriate, to prospective donors who are deferred;
- (b) encourage the collection, analysis and evaluation of epidemiological data concerning donors and donations, with a view to improving the safety of blood transfusion;
- (c) take the necessary steps for the dissemination of this recommendation to all parties concerned, and in particular to blood collecting establishments in their territory;
- (d) take all necessary measures to encourage the voluntary and unpaid donation of blood and plasma, and entirely support the efforts of the Council of Europe in this area; take account of the Council of Europe definition of voluntary and non-remunerated donation as follows:

‘A donation is considered voluntary and non-remunerated if the person gives blood, plasma or cellular components of his/her own free will and receives no payment for it, either in the form of cash or in kind which could be considered a substitute for money. This would include time off work other than that reasonably needed for the donation and travel. Small tokens, refreshments and reimbursements of direct travel costs are compatible with voluntary, non-remunerated donations.’

INVITES THE COMMISSION

- to report on the application of these recommendations and keep the matters covered therein under review in order to make the necessary proposals for

- revision and updating; to involve national experts from all the Member States in the preparation of such proposals;
- to promote as a priority, in the light of scientific studies, work on the potential health effects of departing from the maximum volume limits and minimum time intervals between donations set out in Annex III, in order in particular to determine whether or not adverse health effects may result from collecting, by apheresis, annual plasma volumes higher than those recommended in existing international guidelines; and to undertake work on common volume and frequency limits for other types of apheresis;
 - to propose where appropriate common terminology for the purpose of further developing the Community strategy on blood safety and self-sufficiency;
 - to examine as soon as possible, in close cooperation with the Member States, all the aspects related to the use of genome amplification technology (GAT), including polymerase chain reaction (PCR)-screening, in order to prevent the transmission of communicable diseases by blood transfusion.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

*ANNEX I***COMMON TERMINOLOGY**

Blood	Whole blood collected from a single donor and processed either for transfusion or further manufacturing
Blood product	Any therapeutic product derived from human blood or plasma
Blood component	Therapeutic components of blood (red cells, white cells, platelets, plasma) that can be prepared by centrifugation, filtration, and freezing using conventional blood bank methodology
Medicinal product derived from blood or plasma	Same meaning as that given in Directive 89/381/EEC
Donor	A person in normal health with a good medical history who voluntarily gives blood or plasma for therapeutic use
Prospective donor	Someone who presents himself/herself at a blood or plasma collection establishment and states his/her wish to give blood or plasma
First time donor	Someone who has never donated either blood or plasma
Repeat donor	Someone who has donated before but not within the last two years in the same donation centre
Regular donor	Someone who routinely donates their blood or plasma (i.e. within the last two years), in accordance with minimum time intervals, in the same donation centre
Replacement donor	Donors recruited by patients to enable them to undergo therapy which requires blood transfusion

ANNEX II

CORE CRITERIA FOR ACCEPTANCE OR DEFERRAL OF BLOOD AND PLASMA DONORS

A: Physical requirements criteria for acceptance of blood and plasma donors for their own protection*Age*

Blood and plasma donors should be 18-65 years of age. Acceptance of first time donors age 60-65 is at the discretion of the responsible physician. Repeat donors may continue to donate after the age of 65 with the permission of the responsible physician given annually.

For whole blood, donors aged 17, and not legally classified as minors, may be accepted; otherwise written consent should be required according to applicable law.

Body weight

Donors weighing no less than 50 kg may donate whole blood or plasma.

Blood pressure

The systolic blood pressure should not exceed 180 mm of mercury and the diastolic pressure should not exceed 100 mm of mercury.

Pulse

The pulse should be regular and between 50 to 110 beats per minute. Those prospective donors who undergo intensive sport training and have a pulse rate lower than 50 beats per minute may be accepted.

Either:

Haemoglobin

The haemoglobin concentration should be determined at the time of the donation and should be no less than 12,5 g/100 ml for females and 13,5 g/100 ml for males (or equivalent values expressed in mmol/l).

or

Haematocrit

The packed cell volume (haematocrit) should be determined at the time of the donation and should be no less than 38 % for females and 40 % for males. For apheresis plasma donors, the minimum should be 38 %.

For plasmapheresis only

Protein should measure a minimum of 60 g per litre.

B: Deferral criteria blood and plasma donors for their own protection

If prospective donors have, or have a history of, any of the following, a qualified physician in the blood collection establishment should consider declaring them permanently or temporarily ineligible to donate blood or plasma for the protection of their own health:

1. Permanent deferral

- Auto-immune diseases
- Cardiovascular diseases
- Central nervous system diseases
- Malignant diseases
- Abnormal bleeding tendency
- Fainting spells (syncope) or convulsions
- Severe or chronic gastrointestinal, haematological, metabolic, respiratory or renal disease, not included in the preceding categories

2. *Temporary deferral*

Ineligible for nine months

- Pregnancy (after delivery)
- Abortion

Ineligible (time frame variable)

- Participation in hazardous sports
- Employment which might cause problems shortly after blood donation
- Other reasons.

C: **Deferral criteria for blood and plasma donors for the protection of recipients**

If prospective donors have, or have a history of, any of the following, a qualified physician in the blood collection establishment should consider declaring them permanently or temporarily ineligible to donate blood or plasma for the protection of potential recipients:

1. *Permanent deferral*

- Auto-immune diseases
- Infectious diseases — persons suffering or having suffered from:
 - Babesiosis
 - Hepatitis B (HBsAg confirmed positive)
 - Hepatitis C
 - Hepatitis, infectious (of unexplained aetiology)
 - HIV/AIDS
 - HTLV I/II
 - Leprosy
 - Kala Azar (leishmaniasis)
 - Q fever
 - Syphilis
 - Trypanosoma cruzi (Chagas' disease)
- Malignant diseases
- TSEs (or history thereof in the genetic family)
- Alcoholism, chronic
- Cornea/dura mater transplantation recipient
- Diabetes, if treated with insulin
- Intravenous (IV) drug use
- Pituitary hormone of human origin (e.g. human growth hormone) recipient
- Sexual behaviour which places them at a high risk of transmitting infectious diseases, including persons who have had sex in return for money or drugs

2. *Temporary deferral*

2.1 Ineligible for two years

- Tuberculosis (after declared cured)
- Toxoplasmosis (after recovery and absence of IgM antibodies)
- Brucellosis (after full recovery)

2.2 Ineligible for one year

- Accidental exposure to blood or blood contaminated instruments
- Acupuncture (if not performed by a qualified practitioner)
- Endoscopic examination
- Treatment involving use of catheters
- Blood transfusion or major surgery
- Tissue or cell transplant
- Body piercing
- Drug allergy, in particular allergy to penicillin (after last exposure)
- Tattoo
- Close contact with a case of hepatitis B or C
- Rabies vaccine (if post exposure)

2.3 Ineligible for six months

- Infectious mononucleosis (after recovery)

2.4 Ineligible for four weeks

- Following administration of live attenuated viral vaccines

2.5 Ineligible for two weeks

- Minor infectious diseases

2.6 Ineligible for one week

- Minor surgery

2.7 Ineligible for 72 hours

- Following administration of vaccines (desensitising)

2.8 Ineligible for 48 hours

- Treatment by dentist or dental hygienist
- Following administration of killed/inactivated viral/bacterial and rickettsial vaccines
- Rabies vaccine (prophylactic administration)

2.9 Ineligible (time frame variable)

- Hepatitis A
- Medicines
- Malaria (does not apply to plasmapheresis donors)
- Tropical diseases (other)

Additional reasons may exist for the temporary deferral of a donor for the protection of the recipient. A decision as to length of time is as the discretion of a qualified physician in the blood collection establishment.

ANNEX III

WHOLE BLOOD AND PLASMA DONATIONS

recommended maximum volumes and minimum time intervals between donations

Whole blood

Maximum volume	per donation	500 ml
	per consecutive 12 month period	three litres
Minimum time interval between donations		eight weeks

Automated plasmapheresis

Maximum volume (excluding anticoagulant)	per donation	650 ml
Minimum time interval between donations		At least two days should elapse between donations. No more than two donations should be permitted within a seven-day period

Existing guidelines at international level in the area of blood recommend 15 litres as the maximum annual volume of plasma to be collected via automated plasmapheresis; there is no scientific evidence of whether or not adverse health effects may result from higher volume collection; this area should be a priority area for scientific study.

In assessing individually appropriate donation volumes, account should also be taken of physical characteristics such as gender and body weight.

ANNEX IV

CORE SCREENING TESTS FOR ALL BLOOD SAMPLES WHETHER FROM A WHOLE
BLOOD OR PLASMA DONATION

Antibodies to the hepatitis C virus	Anti-HCV
Antibodies to the human immunodeficiency virus 1	Anti-HIV 1
Antibodies to the human immunodeficiency virus 2	Anti-HIV 2
Surface antigen of hepatitis B	HBsAg

ABO-group ^(A) ^(B)Rh-type ^(A) ^(B)

Malaria ^(B) for travellers to endemic areas (unless risk of malaria transmission is otherwise dealt with by a deferral period of three years for such travellers)

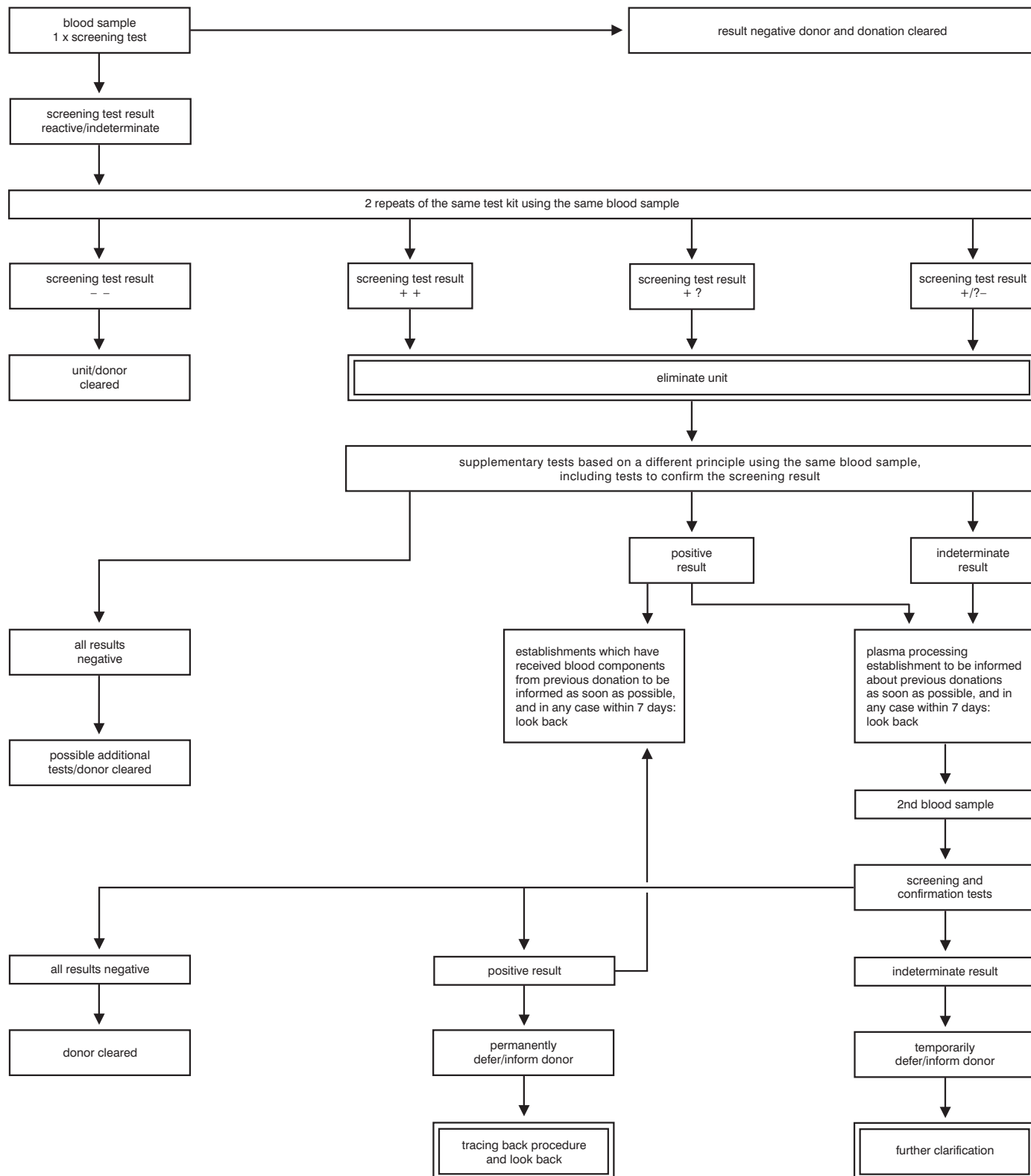
Treponema pallidum (syphilis) ^(B)

^(A) If it can be proven that the blood group of an already known blood donor, whose blood group has been previously determined and verified from two separate donations, can be reliably transferred into the label of the blood component by using a validated automated information technology system, it is not necessary to repeat the determination of ABO- and Rh-groups at the time of every blood donation. In such a case the blood group of the blood donor should be periodically verified.

^(B) Not required for apheresis plasma intended only for fractionation.

ANNEX V

Indicative Algorithm for Interpretation of reactive results in screening tests in relation to clinical use of donation and Reactive results in supplementary/confirmation tests in relation to donor deferral



COMMISSION

COMMISSION DECISION

of 20 July 1998

**terminating the anti-dumping and anti-subsidy proceedings concerning imports
of certain woven glass fibre fabric originating in Taiwan**

(notified under document number C(1998) 2154)

(98/464/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Article 9 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽³⁾, and in particular Article 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 20 October 1997, the Commission received complaints concerning alleged injurious dumping and injurious subsidisation in respect of imports of certain woven glass fibre fabric originating in Taiwan.
- (2) Both complaints were lodged by Euratex (European Apparel and Textile Organisation), on behalf of all producers of certain woven glass fibre fabric in the Community.
- (3) These complaints contained evidence of dumping and subsidisation, and of material injury resulting therefrom, considered sufficient to justify the initiation of both an anti-dumping and an anti-subsidy proceeding.
- (4) The Commission, after consultation, accordingly announced in two separate notices published in the *Official Journal of the European Communities*⁽⁴⁾ the initiation of anti-dumping and anti-subsidy

proceedings concerning imports of certain woven glass fibre fabric, currently classifiable under CN codes ex 7019 52 00 and ex 7019 59 10 and originating in Taiwan.

- (5) The Commission officially advised the exporters, the importers, the upstream suppliers of glass fibre fabric, the downstream industrial users of woven glass fibre fabric known to be concerned, the representatives of the exporting country and the complainant Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notices of initiation.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDINGS

- (6) By letter of 4 June 1998 to the Commission, Euratex formally withdrew its anti-dumping and anti-subsidy complaints concerning imports of certain woven glass fibre fabric originating in Taiwan.
- (7) In accordance with Article 9 of Council Regulation (EC) No 384/96 and Article 14 of Council Regulation No 2026/97, when the complainant withdraws its complaint the proceeding may be terminated unless such termination would not be in the Community interest. The Commission considered that the present investigations have not brought to light any considerations of Community interest which would be against the termination of the proceedings.
- (8) Interested parties were informed that, under these circumstances, the Commission intended to terminate the anti-dumping and anti-subsidy proceedings, and were given the opportunity to comment. None raised any objection.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 288, 21. 10. 1997, p. 1.

⁽⁴⁾ OJ C 366, 4. 12. 1997, p. 3 and 4.

- (9) Therefore, it was concluded that the anti-dumping and the anti-subsidy proceedings concerning imports of certain woven glass fibre fabric originating in Taiwan, should be terminated without the imposition of protective measures,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping and the anti-subsidy proceedings concerning imports of certain woven glass fibre fabric originating in Taiwan are hereby terminated.

Done at Brussels, 20 July 1998.

For the Commission

Leon BRITTAN

Vice-President
