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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1769/98
of 12 August 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 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

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 12 August 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
0709 90 70	052	72,8
	999	72,8
0805 30 10	382	60,7
	388	64,2
	524	67,0
	528	58,3
	999	62,5
0806 10 10	052	98,1
	400	235,2
	600	63,5
	624	157,4
	999	138,5
0808 10 20, 0808 10 50, 0808 10 90	388	63,5
	400	80,8
	508	88,0
	512	67,7
	524	63,1
	528	66,5
	800	171,8
	804	110,6
	999	89,0
	052	82,1
0808 20 50	388	82,8
	528	105,9
	999	90,3
0809 30 10, 0809 30 90	052	61,5
	999	61,5
0809 40 05	064	64,3
	066	80,0
	999	72,2

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

COMMISSION REGULATION (EC) No 1770/98**of 12 August 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 1148/98⁽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 13 August 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽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, 12 August 1998.

For the Commission
Martin BANGEMANN
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⁾	6,84	0,08	—
1703 90 00 ⁽¹⁾	8,24	—	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 1771/98
of 12 August 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 1148/98 ⁽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 1739/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1739/98 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 1739/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 218, 6. 8. 1998, p. 6.

ANNEX

to the Commission Regulation of 12 August 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	40,29 ⁽¹⁾
1701 11 90 9910	38,62 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,29 ⁽¹⁾
1701 12 90 9910	38,62 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4380
	— ECU/100 kg —
1701 99 10 9100	43,80
1701 99 10 9910	44,24
1701 99 10 9950	44,24
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4380

⁽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 1772/98
of 12 August 1998

fixing the maximum export refund for white sugar for the second partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

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 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5)(b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 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 1574/98 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 second 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 second partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 47,257 per 100 kilograms.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 1773/98
of 12 August 1998

concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania⁽³⁾, as last amended by Regulation (EC) No 32/98⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 10 August 1998 for barley from the Republic of Hungary relate to 4 250 tonnes and the maximum quantity which may be imported is 1 150 tonnes at a duty reduced to ECU 0/tonne,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced to ECU 0/tonne for barley falling within CN code 1003 00 90, submitted on 10 August 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,270588.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

**COMMISSION REGULATION (EC) No 1774/98
of 12 August 1998**

concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania⁽³⁾, as last amended by Regulation (EC) No 32/98⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 10 August 1998 for common wheat from the Republic of Romania relate to 612 000 tonnes and the maximum quantity which may be imported is 18 000 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Romania' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat falling within CN code 1001 90 99, submitted on 10 August 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,0294118.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

**COMMISSION REGULATION (EC) No 1775/98
of 12 August 1998**

concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania⁽³⁾, as last amended by Regulation (EC) No 32/98⁽⁴⁾, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 10 August 1998 for wheat from the Republic of Hungary relate to 47 424 893 tonnes and the maximum quantity which may be imported is 168 303 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat and falling within CN codes 1001 90 99 and 1001 10 00 submitted on 10 August 1998 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,00354883.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ L 5, 9. 1. 1998, p. 4.

COMMISSION REGULATION (EC) No 1776/98**of 12 August 1998****altering the corrective amount applicable to the refund on cereals**

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

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1756/98 ⁽³⁾;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 226, 7. 8. 1998, p. 22.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 12 August 1998 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-4,00	-8,00	-9,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	0	0
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

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

COMMISSION REGULATION (EC) No 1777/98
of 12 August 1998
providing for the rejection of applications for export licences in relation to cereal
products

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾, as last amended by Regulation (EC) No 932/97⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds for potato starch could give rise to speculation; whereas it has therefore been decided to

reject all applications for export licences for this product made on 10, 11 and 12 August 1998,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1108 13 00 made on 10, 11 and 12 August 1998 shall be rejected.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 56, 26. 2. 1998, p. 12.

COMMISSION REGULATION (EC) No 1778/98**of 12 August 1998****altering the export refunds on products processed from cereals and rice**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾, and in particular the third subparagraph of Article 13 (3) thereof,

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

Whereas the export refunds on products processed from cereals and rice were fixed by Regulation (EC) No 1752/98 ⁽⁵⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1752/98 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products, exported in the natural state, listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 3072/95 and subject to Regulation (EC) No 1518/95 ⁽⁶⁾, as fixed in the Annex to Regulation (EC) No 1752/98 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 13 August 1998.

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

Done at Brussels, 12 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 219, 7. 8. 1998, p. 15.

⁽⁶⁾ OJ L 147, 30. 6. 1995, p. 55.

ANNEX

to the Commission Regulation of 12 August 1998 altering the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	72,13	1104 23 10 9100	77,28
1102 20 10 9400 ⁽¹⁾	61,82	1104 23 10 9300	59,25
1102 20 90 9200 ⁽¹⁾	61,82	1104 29 11 9000	37,06
1102 90 10 9100	63,39	1104 29 51 9000	36,33
1102 90 10 9900	43,11	1104 29 55 9000	36,33
1102 90 30 9100	61,09	1104 30 10 9000	9,08
1103 12 00 9100	61,09	1104 30 90 9000	12,88
1103 13 10 9100 ⁽¹⁾	92,74	1107 10 11 9000	64,67
1103 13 10 9300 ⁽¹⁾	72,13	1107 10 91 9000	75,22
1103 13 10 9500 ⁽¹⁾	61,82	1108 11 00 9200	72,66
1103 13 90 9100 ⁽¹⁾	61,82	1108 11 00 9300	72,66
1103 19 10 9000	41,27	1108 12 00 9200	82,43
1103 19 30 9100	65,50	1108 12 00 9300	82,43
1103 21 00 9000	37,06	1108 13 00 9200	66,43
1103 29 20 9000	43,11	1108 13 00 9300	66,43
1104 11 90 9100	63,39	1108 19 10 9200	41,04
1104 12 90 9100	67,88	1108 19 10 9300	41,04
1104 12 90 9300	54,30	1109 00 00 9100	0,00
1104 19 10 9000	37,06	1702 30 51 9000 ⁽²⁾	99,74
1104 19 50 9110	82,43	1702 30 59 9000 ⁽²⁾	76,36
1104 19 50 9130	66,98	1702 30 91 9000	99,74
1104 21 10 9100	63,39	1702 30 99 9000	76,36
1104 21 30 9100	63,39	1702 40 90 9000	76,36
1104 21 50 9100	84,52	1702 90 50 9100	99,74
1104 21 50 9300	67,62	1702 90 50 9900	76,36
1104 22 20 9100	54,30	1702 90 75 9000	104,51
1104 22 30 9100	57,70	1702 90 79 9000	72,54
		2106 90 55 9000	76,36

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

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

COUNCIL DIRECTIVE 98/56/EC**of 20 July 1998****on the marketing of propagating material of ornamental plants**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

- (1) Whereas the production of ornamental plants occupies an important place in the agriculture of the Community;
- (2) Whereas satisfactory results in the cultivation of ornamental plants depend to a large extent on the quality and health of the material used for their propagation;
- (3) Whereas the establishment of harmonised conditions at Community level will ensure that purchasers throughout the Community receive propagating material which is healthy and of good quality;
- (4) Whereas, so far as they relate to plant health, such harmonised conditions must be consistent with Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products and against their spread in the Community ⁽⁴⁾;
- (5) Whereas it is appropriate to establish Community rules for all genera and species of ornamental plants in the Community, with the exception of those covered by Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽⁵⁾;
- (6) Whereas, without prejudice to the plant health provisions of Directive 77/93/EEC, it is not appropriate to apply the Community rules on the marketing of propagating material when it is shown that such material and plants are intended for export to third countries, as the rules applicable

there may be different from those contained in this Directive;

- (7) Whereas the determination of plant health and quality standards for particular genus and species of ornamental plant requires lengthy and detailed technical and scientific consideration; whereas a procedure should accordingly be established for the determination of these standards;
- (8) Whereas in the first instance it is the responsibility of the suppliers of propagating material to ensure that their products fulfil the conditions laid down in this Directive;
- (9) Whereas the competent authorities of the Member States, when carrying out controls and inspections, should ensure that suppliers fulfil those conditions;
- (10) Whereas Community control measures should be introduced to ensure uniform application in all the Member States of the standards laid down in this Directive;
- (11) Whereas it is in the interests of the purchasers of propagating material that the names of varieties or of groups of plants be known and that their identity be safeguarded;
- (12) Whereas the characteristics specific to the industry operating in the ornamental plant sector are a complicating factor; whereas, accordingly, the objective stated above can best be achieved either through common knowledge of the variety or, in the case of varieties or groups of plants, through the availability of a description drawn up and kept by the suppliers;
- (13) Whereas, in order to ensure the identity and orderly marketing of propagating material, Community rules must be laid down concerning the separation of lots and marking; whereas the labels should give the particulars needed both for official control and for the information of the grower;
- (14) Whereas rules should be established permitting, in the case of temporary supply difficulties, the marketing of propagating material subject to requirements less stringent than those contained in this Directive;

⁽¹⁾ OJ C 50, 17. 2. 1998, p. 8.

⁽²⁾ OJ C 104, 6. 4. 1998, p. 40.

⁽³⁾ OJ C 157, 25. 5. 1998, p. 3.

⁽⁴⁾ OJ L 26, 31. 1. 1977, p. 20. Directive as last amended by Commission Directive 98/2/EC (OJ L 15, 21. 1. 1998, p. 34).

⁽⁵⁾ OJ L 61, 3. 3. 1997, p. 1. Regulation as amended by Commission Regulation (EC) No 938/97 (OJ L 140, 30. 5. 1997, p. 1).

- (15) Whereas provisions should be made for authorising the marketing, within the Community, of propagating material produced in third countries, provided always it affords equivalent guarantees in all respects to propagating material produced in the Community and complying with Community rules;
- (16) Whereas, in order to harmonise technical methods of examination used in the Member States and to compare propagating material produced in the Community with those produced in third countries, comparative trials should be carried out to check compliance of propagating material with the requirements of this Directive;
- (17) Whereas, in order to facilitate the effective operation of this Directive, the Commission should be entrusted with the task of adopting measures for its implementation; whereas such measures should be adopted by a procedure involving close cooperation between the Commission and the Member States within a Standing Committee for Propagating Material of Ornamental Plants;
- (18) Whereas Council Directive 91/682/EEC of 19 December 1991 on the marketing of ornamental plant propagating material and ornamental plants⁽¹⁾ established harmonised conditions at Community level to ensure that purchasers throughout the Community receive propagating material and ornamental plants which are healthy and of good quality;
- (19) Whereas Member States have experienced difficulties in the interpretation and transposition of the said Directive;
- (20) Whereas the said Directive was considered to be suitable for inclusion in the SLIM Initiative (Simpler Legislation for the Internal Market) which was launched by the Commission in May 1996;
- (21) Whereas the Ornamental Plants SLIM team made various recommendations aimed at simplifying the said Directive; whereas those recommendations are contained in the Communication from the Commission to the Council and the European Parliament on the SLIM Initiative;
- (22) Whereas those recommendations related to the persons to be controlled by the said Directive, the species to be covered by that Directive, varietal authenticity, the interrelationship with Directive 77/93/EEC and third country equivalence;
- (23) Whereas, after consideration of those recommendations it is desirable to amend certain provisions of Directive 91/682/EEC; whereas given the number

of such amendments, the said Directive should be recast in the interests of clarity,

HAS ADOPTED THIS DIRECTIVE:

TITLE I

SCOPE

Article 1

1. This Directive shall apply to the marketing of propagating material of ornamental plants within the Community. This shall be without prejudice to the rules on protection of wild flora laid down by Regulation (EC) No 338/97, the rules on packaging and packaging waste laid down by Directive 94/62/EC of the European Parliament and of the Council⁽²⁾, or, save where otherwise provided for in this Directive or on the basis thereof, the plant health rules laid down by Directive 77/93/EEC.

2. This Directive shall not apply to:

- material shown to be intended for export to third countries, which is identified as such and is kept sufficiently isolated,
- material the products of which are not intended for ornamental purposes, if it is covered by other Community legislation on the marketing of such material.

3. In accordance with the procedure laid down in Article 17, it may be decided that some or all of the requirements of this Directive shall not apply in respect of seed of particular species or groups of plants, where intended for the production of further propagating material and where there is no significant connection between the quality of such seed and the quality of the material grown from it.

TITLE II

DEFINITIONS

Article 2

For the purpose of this Directive, the following definitions shall apply:

1. 'Propagating material': plant material intended for:

- the propagation of ornamental plants, or
- the production of ornamental plants; however, in the case of production from complete plants, this definition applies only to the extent that the resulting ornamental plant is intended for further marketing.

'Propagation': reproduction by vegetative or other means.

⁽¹⁾ OJ L 376, 31. 12. 1991, p. 21.

⁽²⁾ OJ L 365, 31. 12. 1994, p. 10.

2. 'Supplier': any natural or legal person engaged professionally in marketing or importing of propagating material.
3. 'Marketing': sale or delivery by a supplier to another person. 'Sale' includes holding available or in stock, display with a view to sale, offering for sale.
4. 'Responsible official body':
 - (a) an authority, established or designated by the Member State under the supervision of the national government and responsible for questions concerning quality;
 - (b) any State authority established:
 - either at national level, or
 - at regional level, under the supervision of national authorities, within the limits set by the constitution of the Member State concerned.

The bodies referred to above may, in accordance with their national legislation, delegate the tasks provided for in this Directive to be accomplished under their authority and supervision to any legal person, whether governed by public or by private law, which, under its officially approved constitution, is charged exclusively with specific public functions, provided that such person, and its members, has no personal interest in the outcome of the measures it takes.

Moreover, in accordance with the procedure laid down in Article 17, other legal persons established on behalf of the body referred to in point (a) and acting under the authority and supervision of such body may be approved, provided that such person has no personal interest in the outcome of the measures it takes.

Member States shall notify the Commission of their responsible official bodies. The Commission shall forward that information to the other Member States.

5. 'Lot': a number of units of a single commodity, identifiable by its homogeneity of composition and origin.

TITLE III

REQUIREMENTS TO BE MET BY PROPAGATING MATERIAL

Article 3

1. Suppliers may market propagating material only if it meets the requirements laid down in this Directive.
2. Paragraph 1 shall not apply to propagating material intended for:

- (a) trials or scientific purposes,
- (b) selection work, or
- (c) the conservation of genetic diversity.

3. Detailed rules for the application of paragraph 2 may be adopted in accordance with the procedure laid down in Article 17.

Article 4

Propagating material shall, where applicable, comply with the relevant plant health conditions laid down in Directive 77/93/EEC.

Article 5

1. Without prejudice to the provisions of Article 1 and Article 4, propagating material when marketed:

- shall at least on visual inspection, be substantially free from any harmful organisms impairing quality, or any signs or symptoms thereof, which reduce its usefulness,
- shall be substantially free of any defects likely to impair its quality as propagating material,
- shall have satisfactory vigour and dimensions in respect of its usefulness as propagating material,
- in the case of seeds, shall have satisfactory germination capacity,
- if marketed with reference to a variety pursuant to Article 9, shall have satisfactory varietal identity and purity.

2. Any propagating material which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms, shall be properly treated or, where appropriate, shall be removed.

3. In the case of citrus material the following requirements shall also be met:

- (a) it shall be derived from initial material which has been checked and found to show no symptoms of any viruses, virus-like organisms or diseases;
- (b) it shall have been checked and found to be substantially free of such viruses, virus-like organisms or disease since the beginning of the last cycle of vegetation; and
- (c) in the case of grafting, it shall have been grafted onto rootstocks other than those susceptible to viroids.

4. In the case of flower bulbs the following requirement shall also be met:

- the propagating material shall be derived directly from material which, at the stage of the growing crop, has been checked and found to be substantially free from any harmful organisms and diseases, signs or symptoms thereof.

5. In accordance with the procedure laid down in Article 18, a schedule may be established for a particular genus or species, laying down additional conditions concerning the quality with which propagating material when marketed must comply. A genus or species shall only be included in the schedule if there is a demonstrated need for such additional rules. In determining such need the following criteria shall apply:

- the existence of problems with the quality of propagating material of the species or genus concerned, which can only be resolved satisfactorily through legislative means,
- the economic importance of propagating material of the species or genus concerned,
- consistency with any international standards on regulated non-quarantine pests.

TITLE IV

REQUIREMENTS TO BE MET BY SUPPLIERS OF PROPAGATING MATERIAL

Article 6

1. Without prejudice to paragraph 2, suppliers shall be officially registered in relation to the activities which they carry out under this Directive. The responsible official body may deem suppliers, who are already registered under Directive 77/93/EEC, to be registered for the purposes of the current Directive. Such suppliers shall nonetheless comply with the requirements of the current Directive.

2. Paragraph 1 shall not apply to suppliers marketing only to persons not professionally engaged in the production or sale of ornamental plants or propagating material. Such suppliers shall nonetheless comply with the requirements of the current Directive.

Article 7

1. Suppliers engaged in production of propagating material shall:

- identify and monitor critical points in their production process which influence the quality of the material,
- keep information, for examination when requested by the responsible official body on the monitoring laid down in the first indent,
- take samples where necessary for analysis in a laboratory with suitable facilities and expertise,
- ensure that, during production, lots of propagating material remain separately identifiable.

2. In the case of the appearance, on the premises of a supplier engaged in the production of propagating material, of a harmful organism listed in Directive 77/93/EEC or in any measures established pursuant to Article 5(5), the supplier shall report it to the responsible official body and shall carry out any measures laid down by that body.

3. When propagating material is marketed, registered suppliers shall keep records of their sales or purchases for at least 12 months.

4. Rules for the application of paragraph 1 above may be established in accordance with the procedure laid down in Article 17.

TITLE V

MARKETING AND LABELLING OF PROPAGATING MATERIAL

Article 8

1. Propagating material shall be marketed in lots. However, propagating material of different lots may be marketed in a single consignment, provided that the supplier keeps records of the composition and origin of the different lots.

2. Propagating material when marketed shall be accompanied by a label or other document made out by the supplier.

3. In accordance with the procedure laid down in Article 17, requirements as to the label or document referred to in paragraph 2 shall be established. In the case of marketing of propagating material for persons not professionally engaged in the production or sale of ornamental plants or propagating material, requirements on labelling may be confined to appropriate product information. Requirements as to packaging of propagating material may be adopted in accordance with the same procedure.

4. Paragraph 1 shall not apply to propagating material which is marketed for persons not professionally engaged in the production or sale of ornamental plants or propagating material.

Article 9

1. Propagating material may be marketed with a reference to a variety, only if the variety concerned is:

- legally protected by a plant variety right in accordance with provisions on the protection of new varieties, or
- officially registered, or
- commonly known, or

— entered on a list kept by a supplier with its detailed description and denomination. Such lists shall be drawn up in accordance with accepted international guidelines, where these are applicable. The lists shall be available, on request, to the responsible official body of the Member State concerned.

2. As far as possible, each variety shall bear the same denomination in all the Member States, in accordance with implementing measures which may be adopted in accordance with the provisions of Article 17 or, in their absence, in accordance with accepted international guidelines.

3. Where propagating material is marketed with a reference to a group of plants rather than a variety referred to in paragraph 1, the supplier shall indicate the group of plants in such a way as to avoid confusion with any varietal denomination.

4. Additional implementing provisions for the fourth indent of paragraph 1 may be adopted in accordance with the procedure laid down in Article 17.

TITLE VI

PROPAGATING MATERIAL MEETING LESS STRINGENT REQUIREMENTS

Article 10

In the event of temporary difficulties in the supply of propagating material satisfying the requirements of this Directive which cannot be overcome within the Community, rules may be adopted, in accordance with the procedure laid down in Article 17, concerning the marketing of propagating material meeting less stringent requirements.

TITLE VII

PROPAGATING MATERIAL PRODUCED IN THIRD COUNTRIES

Article 11

1. In accordance with the procedure laid down in Article 17, it shall be decided whether propagating material produced in a third country affords equivalent guarantees in all respects to material produced in the Community in accordance with this Directive.

2. Pending the decision referred to in paragraph 1, propagating material may not be imported from third countries unless the importing supplier ensures prior to import that the material to be imported affords equivalent guarantees in all respects to propagating material produced in the Community in accordance with this Directive, in particular in relation to quality, identification and plant health.

3. The importer shall notify the responsible official bodies of material imported under paragraph 2 and shall keep documentary evidence of his contract with the supplier in the third country.

4. Implementing measures relating to the procedure to be followed and further requirements to be met by importers may be established in accordance with the procedure laid down in Article 17.

TITLE VIII

CONTROL MEASURES AND GENERAL PROVISIONS

Article 12

1. Member States shall require that suppliers take all necessary measures to guarantee compliance with the requirements of this Directive. To this end Member States shall ensure that propagating material is officially inspected:

— at least by random checks, and

— at least in respect of marketing to persons professionally engaged in production or sale of ornamental plants or propagating material,

to verify compliance with the requirements. Member States may also take samples in order to verify compliance. In carrying out supervision and monitoring, the responsible official bodies shall have free access to all parts of suppliers' establishments at all reasonable times.

The Commission shall, by 31 December 2002, submit a report to the Council, on the operation of the control arrangements foreseen in this Article, together with any appropriate proposals which may, if appropriate, include proposals for removing requirements of this Directive from retail sales.

2. Detailed implementing procedures for official inspections under this Directive may be established in accordance with the procedure laid down in Article 17.

Article 13

1. If, during official inspections referred to in Article 12, or the trials referred to in Article 14, it is found that propagating material does not meet the requirements of this Directive, the responsible official body shall ensure that the supplier takes appropriate corrective action or, if that is not possible, shall prohibit the marketing of that propagating material in the Community.

2. If it is found that propagating material marketed by a particular supplier does not comply with the requirements of this Directive, the Member State concerned shall ensure that appropriate measures are taken in relation to that supplier.

3. Any measures taken under paragraph 2 shall be withdrawn as soon as it has been established with sufficient certainty that the propagating material intended for marketing by the supplier will, in future, comply with the requirements and conditions of this Directive.

Article 14

1. Where appropriate, trials or tests shall be carried out in the Member States on samples to check that propagating material complies with the requirements and conditions of this Directive. The Commission may organise inspections of trials by representatives of the Member States and of the Commission.

2. It may be decided in accordance with the procedure laid down in Article 17 that it is necessary to carry out Community trials or tests for the same purpose as mentioned in paragraph 1. The Commission may organise inspections of Community trials by representatives of the Member States and of the Commission.

3. The trials or tests referred to in paragraphs 1 and 2 shall be used to harmonise technical methods of examination of propagating material. Progress reports on the trials or tests shall be sent to the Commission and submitted to the Committee referred to in Article 17.

4. The Commission shall ensure that, in appropriate cases, arrangements for coordinating, carrying out and inspecting the trials referred to in paragraphs 1 and 2, and assessing their results, are made within the Committee referred to in Article 17. When problems occur in relation to organisms covered by Directive 77/93/EEC, the Commission shall notify the Standing Committee on Plant Health, which shall also be consulted on protocols for Community trials where these concern organisms covered by Directive 77/93/EEC. Propagating material produced in third countries may be included in the trials.

Article 15

The marketing of propagating material which complies with the requirements of this Directive shall be subject to no restrictions as regards supplier, quality, plant health, labelling and packaging, other than those laid down in this Directive.

Article 16

In accordance with the procedure laid down in Article 17, a Member State may at its request and under certain conditions be wholly or partially released from certain obligations under this Directive in respect of types of propagating material of certain genera or species the production of which is of minimal economic importance in its territory, save where this would run counter to Article 15.

TITLE IX

COMMITTEE PROCEDURES

Article 17

1. Where reference is made to the procedure laid down in this Article, the Commission shall be assisted by a Committee, referred to as the Standing Committee for Propagating Material of Ornamental Plants, chaired by a representative of the Commission.

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

3. (a) The Commission shall adopt measures which shall apply immediately.

(b) However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;
- the Council, acting by a qualified majority, may take a different decision within the time referred to in the first indent.

4. The Committee, at the request of the chairman or one of the Member States, may examine any questions relevant to the subject matter of this Directive.

Article 18

1. Where reference is made to the procedure laid down in this Article, the Commission shall be assisted by the Standing Committee for Propagating Materials and Ornamental Plants, chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion will be delivered by the majority laid down in Article 148(2) of the

Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

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

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

TITLE X

FINAL PROVISIONS

Article 19

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive on 1 July 1999. They shall forthwith inform the Commission thereof.
2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their

official publication. The methods for making such reference shall be adopted by the Member States.

3. Member States shall communicate to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive.

Article 20

1. Directive 91/682/EEC shall be repealed with effect from 1 July 1999 without prejudice to Member States' obligations in relation to the period of transposition and implementation referred to in Part A of the Annex hereto.
2. References to the repealed Directive 91/682/EEC shall be understood as references to this Directive and shall be read in accordance with the correlation table in Part B of the Annex hereto.
3. Implementing provisions adopted under Directive 91/682/EEC shall continue to have effect unless amended or repealed by new implementing provisions.

Article 21

This Directive is addressed to the Member States.

Done at Brussels, 20 July 1998.

For the Council
The President
W. MOLTERER

ANNEX

PART A

Time-limits for transposition into national law and implementation

Directive	Time limit for transposition	Time limit for implementation
91/682/EEC (OJ L 376, 31.12.1991, p. 21.)	31 December 1992	Articles 5-11, 14, 15, 17, 19 and 24 (for all genera and species) 31 December 1993

PART B

Correlation table

This Directive	Directive 91/682/EEC
Article 1	Articles 1 and 2
Article 2	Article 3
Article 3	Article 8
Article 4	—
Article 5	Article 4
Article 6	Article 6
Article 7	Article 5
Article 8	Articles 10 and 11
Article 9	Article 9
Article 10	Article 13
Article 11	Article 16
Article 12	Articles 17 and 18
Article 13	Article 19
Article 14	Article 20
Article 15	Article 14
Article 16	—
Article 17	Article 21
Article 18	Article 22
Article 19	—
Article 20	—
Article 21	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 1998

concerning the conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part

(98/504/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2) last sentence, 66 and 113, in conjunction with the first sentence of Article 228(2) and the second subparagraph of Article 228(3) thereof,

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

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

Whereas pending the entry into force of the Economic Partnership, Political Coordination and Cooperation Agreement signed in Brussels on 8 December 1997, the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, signed in Brussels on 8 December 1997, should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, together with the declarations made by the Community unilaterally or jointly with the other Party, is hereby approved on behalf of the European Community.

The texts are attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 19 of the Agreement on behalf of the European Community.

Article 3

1. The position to be taken by the Community within the Joint Council and the Joint Committee established by the Agreement, shall be laid down by the Council, on a proposal from the Commission, in accordance with the corresponding provisions of the Treaty establishing the European Community.

2. The President of the Council shall, in accordance with Article 8 of the Agreement, preside over the Joint Council and present the position of the Community. In accordance with Article 10 of the Agreement, a representative of the Commission assisted by representatives of the Member States shall preside over the Joint Committee and present the position of the Community.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

⁽¹⁾ OJ C 356, 22. 11. 1997, p. 28.

⁽²⁾ OJ C 167, 1. 6. 1998.

INTERIM AGREEMENT

**on trade and trade-related matters between the European Community, of the one part,
and the United Mexican States, of the other part**

THE EUROPEAN COMMUNITY,
hereinafter referred to as the 'Community',
of the one part, and

THE UNITED MEXICAN STATES,
hereinafter referred to as 'Mexico',
of the other part,

WHEREAS the Economic Partnership, Political Coordination and Cooperation Agreement between the Community and its Member States, of the one part, and Mexico, of the other part, hereinafter referred to as the 'Global Agreement', was signed in Brussels on 8 December 1997;

WHEREAS the Global Agreement is intended to strengthen and widen the relations between the Community and its Member States and Mexico established by the existing 1991 Framework Agreement for Cooperation;

WHEREAS it is in the mutual interest of the Parties to implement as speedily as possible, by means of an Interim Agreement, the provisions of the Global Agreement on trade and trade-related matters;

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries,

THE EUROPEAN COMMUNITY,

Mr Jacques F. Poos,
Deputy Prime Minister,
Minister for Foreign Affairs, Foreign Trade and Cooperation of Luxembourg,
President-in-Office of the Council of the European Union,
Mr Manuel Marín,
Vice-President of the Commission of the European Communities,

THE UNITED MEXICAN STATES,

Mr Herminio Blanco,
Minister for Trade and Industry,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I

TITLE II

GENERAL PRINCIPLES

TRADE LIBERALISATION

Article 1 (GA Article 1)

Article 2

Objective

Basis of the Agreement

Respect for democratic principles and fundamental human rights, proclaimed by the Universal Declaration of Human Rights, underpins the domestic and external policies of both Parties and constitutes an essential element of this Agreement.

The objective of this Title is to establish a framework to encourage the development of trade in goods and services, including a bilateral and preferential, progressive and reciprocal liberalisation of trade in goods, taking into account the sensitive nature of certain products and in accordance with the relevant World Trade Organization (WTO) rules.

*Article 3 (GA Article 5)***Trade in goods**

In order to achieve the objective laid down in Article 2, the Joint Council established by Article 7 of the Agreement shall decide on the arrangements and timetable for a bilateral, progressive and reciprocal liberalisation of tariff and non-tariff barriers to trade in goods, in accordance with the relevant WTO rules, in particular Article XXIV of the General Agreement on Tariffs and Trade (GATT), and taking account of the sensitive nature of certain products. This decision shall include, in particular, the following matters:

- (a) coverage and transitional periods;
- (b) customs duties on imports and exports and charges having an equivalent effect;
- (c) quantitative restrictions on imports and exports and measures having equivalent effect;
- (d) national treatment including the prohibition of fiscal discrimination in respect of taxes imposed on goods;
- (e) anti-dumping and countervailing measures;
- (f) safeguard and surveillance measures;
- (g) rules of origin and administrative cooperation;
- (h) customs cooperation;
- (i) customs valuation;
- (j) technical regulations and standards, sanitary and phytosanitary legislation, mutual recognition of conformity assessment, certifications, marks systems, *inter alia*;
- (k) general exceptions justified on grounds of public morality, public policy or public security; the protection of human, animal or plant life or health; the protection of industrial, intellectual and commercial property, *inter alia*;
- (l) restrictions in case of balance of payments difficulties.

TITLE III

PUBLIC PROCUREMENT, COMPETITION, INTELLECTUAL PROPERTY AND OTHER TRADE-RELATED PROVISIONS*Article 4 (GA Article 10)***Public procurement**

1. The Parties shall agree to the gradual and mutual opening of agreed government procurement markets on a reciprocal basis.
2. In order to achieve this objective, the Joint Committee shall decide on the appropriate arrangements

and timetable. The decision shall include, in particular, the following matters:

- (a) coverage of the agreed liberalisation;
- (b) non-discriminatory access to the agreed markets;
- (c) threshold values;
- (d) legal and transparent procedures;
- (e) clear challenge procedures;
- (f) use of information technology.

*Article 5 (GA Article 11)***Competition**

1. The Parties shall agree on the appropriate measures in order to prevent distortions or restrictions of competition that may significantly affect trade between Mexico and the Community. To this end, the Joint Council shall establish mechanisms of cooperation and coordination among their authorities with responsibility for the implementation of competition rules. Such cooperation shall include mutual legal assistance, notification, consultation and exchange of information in order to ensure transparency relating to the enforcement of competition laws and policies.

2. In order to achieve this objective, the Joint Council shall decide in particular, on the following matters:

- (a) agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings;
- (b) the abuse by one or more undertakings of a dominant position;
- (c) mergers between undertakings;
- (d) State monopolies of a commercial character;
- (e) public undertakings and undertakings to which special or exclusive rights have been granted.

*Article 6***Intellectual, industrial and commercial property**

1. Reaffirming the great importance they attach to the protection of intellectual property rights (copyright — including the copyright in computer programmes and databases — and neighbouring rights, the rights related to patents, industrial designs, geographical indications including designation of origins, trademarks, topographies of integrated circuits, as well as protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed information), the Parties undertake to establish the appropriate measures with a view to ensuring an adequate and effective protection in accordance with the highest international standards, including effective means to enforce such rights.

2. To this effect, the Joint Council shall decide on a consultation mechanism with a view to reaching mutually satisfactory solutions in the event of difficulties in the protection of intellectual property.

TITLE IV

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

Article 7 (GA Article 45)

Joint Council

A Joint Council is hereby established which shall supervise the implementation of this Agreement. It shall meet at ministerial level, at regular intervals, and when circumstances require. It shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.

Article 8 (GA Article 46)

1. The Joint Council shall consist of the Members of the Council of the European Union and Members of the European Commission, on the one hand, and members of the Government of Mexico, on the other.

2. Members of the Joint Council may arrange to be represented, in accordance with the conditions laid down in its rules of procedure.

3. The Joint Council shall establish its own rules of procedure. It shall meet for the first time within 30 days of the entry into force of this Agreement.

4. The Joint Council shall be presided in turn by a Member of the Council of the European Union and a Member State of the Government of Mexico, in accordance with the provisions to be laid down in its rules of procedure.

Article 9

The Joint Council shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in the cases provided therein. The decisions taken shall be binding on the Parties which shall take the measures to implement them. The Joint Council may also make appropriate recommendations.

It shall draw up the decisions and recommendations by agreement between the two Parties.

The application of the decisions provided for in Articles 3, 4(2), 5(2) and 6(2) shall be suspended until the signature of the Global Agreement.

Article 10

Joint Committee

1. The Joint Council shall be assisted in the performance of its duties by a Joint Committee composed of

representatives of the Community, on the one hand, and of representatives of the Government of Mexico, on the other, normally at senior civil servant level.

In its rules of procedure the Joint Council shall determine the duties of the Joint Committee, which shall include the preparation of meetings of the Joint Council and how the Committee shall function.

2. The Joint Council may delegate to the Joint Committee any of its powers. In this event the Joint Committee shall take its decisions in accordance with the conditions laid down in Article 9.

3. The Joint Committee shall generally meet once a year, on a date and with an agenda agreed in advance by the Parties, in Brussels one year and Mexico the next. Special meetings may be convened by mutual agreement. The office of chairman of the Joint Committee shall be held alternately by a representative of each of the Parties.

Article 11 (GA Article 49)

Other special committees

The Joint Council may decide to set up any other special committee or body that can assist it in the performance of its duties.

In its rules of procedure, the Joint Council shall determine the composition and duties of such committees or bodies and how they shall function.

Article 12 (GA Article 50)

Dispute settlement

The Joint Council shall decide on the establishment of a specific trade or trade-related dispute settlement procedure compatible with the relevant WTO provisions in this field.

Article 13 (GA Article 52)

National security clause

No provision of this Agreement shall preclude a Party taking measures:

- (a) which it considers necessary to prevent disclosures of information which are contrary to the essential interests of its security;
- (b) relating to the production of, or trade in, arms, munitions or war material or to research, development or production necessary to guarantee its defence, provided these measures do not adversely affect the conditions of competition regarding products which are not intended for specifically military purposes;

- (c) which it considers essential to its security in the event of serious domestic disturbances liable to jeopardise public order, of war or serious international tensions that might erupt into armed conflict or to fulfil obligations it has entered into for the maintenance of peace and international security.

Article 14

The Final Act contains a Joint and a Unilateral Declaration made at the signature of this Agreement.

Article 15 (GA Article 56)

Territorial application

This Agreement shall apply to the territory in which the Treaty establishing the European Community is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of the United Mexican States, on the other.

Article 16

Duration

This Agreement shall be applicable until the entry into force of the Global Agreement signed on 8 December 1997.

Each of the Parties may denounce the Agreement by notifying the other Party. The Agreement shall cease to apply six months after the date of such notification.

Article 17 (GA Article 58)

Fulfilment of obligations

1. The Parties shall adopt any general or specific measure required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in the Agreement.

If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before doing so, except in cases of special urgency, it must supply the Joint Council with all the relevant information required for a thorough exam-

ination of the situation, within 30 days, with a view to seeking a solution acceptable to the Parties.

In this selection of measures, priority must be given to those measures which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Joint Council and shall be the subject of consultations in that Council, if the other Party so requests.

2. The Parties agree that the term 'cases of special urgency' in paragraph 1 of this Article means a case of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists of:

- (a) repudiation of the Agreement not sanctioned by the general rules of international law;
- (b) breach of the essential elements of the Agreement referred to in Article 1.

3. The Parties agree that the 'appropriate measures' referred to in this Article are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency as provided for under this Article, the other Party may ask that an urgent meeting be called to bring the Parties together within 15 days.

Article 18 (GA Article 59)

Authentic text

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Article 19

Entry into force

1. This Agreement shall be approved by the Parties in accordance with their own procedures.

2. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

3. Notification shall be sent to the Secretary-General of the Council of the European Union who shall be the depositary for the Agreement.

Hecho en Bruselas, el ocho de diciembre de mil novecientos noventa y siete.

Udfærdiget i Bruxelles den ottende december nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am achten Dezember neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις οκτώ Δεκεμβρίου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the eighth day of December in the year one thousand nine hundred and ninety-seven.

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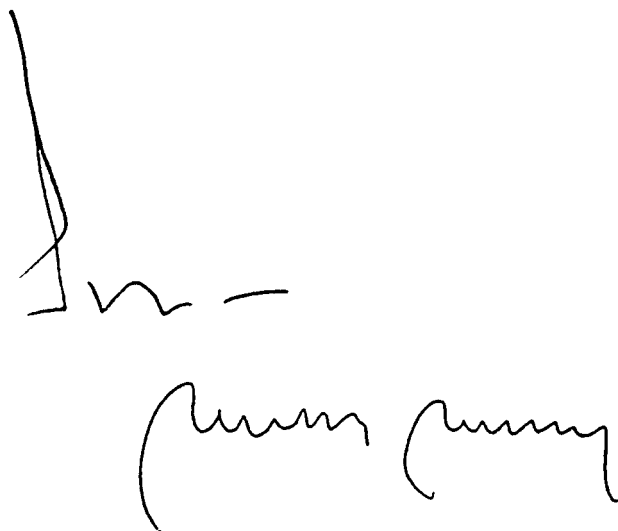
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Som skedde i Bryssel den åttonde december nittonhundranittiosju.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
För Europeiska gemenskapen



Por los Estados Unidos Mexicanos



FINAL ACT

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the United Mexican States hereby adopt the following Final Act, with regard to the:

1. Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part,
2. Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, and
3. Joint Declaration between the European Community and its Member States and the United Mexican States.

(1)

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY,

hereinafter referred to as the 'Member States', and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

of the the one part, and

the plenipotentiaries of the UNITED MEXICAN STATES,

hereinafter referred to as 'Mexico',

of the other part,

meeting at Brussels on the eighth day of December in the year one thousand nine hundred and ninety-seven for the signature of the Economic Partnership, Political Coordination and Co-operation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, hereinafter referred to as the 'Agreement' have adopted the following texts:

— the Agreement and Annex thereto.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Mexico have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration by the European Union and Mexico on Political Dialogue referred to in Article 3 of the Agreement,

Joint Declaration on the Dialogue at Parliamentary level,

Joint Interpretative Declaration relating to Article 4 of the Agreement,

Joint Declaration relating to Article 24(3) of the Agreement,

Joint Declaration relating to Article 35 of the Agreement.

The plenipotentiaries of Mexico have taken note of the Declarations of the European Community and/or its Member States mentioned below and annexed to this Final Act:

Declaration relating to Article 11 of the Agreement,

Declaration relating to Article 12 of the Agreement.

The plenipotentiaries of the Member States and of the Community have taken note of the Declaration of Mexico mentioned below and annexed to this Final Act:

Declaration on Title I of the Agreement.

JOINT DECLARATIONS

Joint Declaration by the European Union and Mexico on political dialogue (Article 3)

1. PREAMBLE

The European Union of the one part, and Mexico, of the other part,

- conscious of their historical, political, economic and cultural ties, and of the bonds of friendship between their peoples,
 - mindful of their desire to strengthen the political and economic freedoms which are fundamental to society in the Member States of the European Union and Mexico,
 - reaffirming the value of human dignity and of the promotion and protection of human rights as cornerstones of a democratic society, as well as the essential role of democratic institutions based on the rule of law,
 - desiring to strengthen international peace and security in accordance with the principles of the United Nations Charter,
 - sharing an interest in regional integration as a means of enabling their citizens to achieve sustainable and harmonious development predicated upon the principles of social progress and solidarity between members,
 - building upon the preferential relations established by the Framework Agreement for Cooperation signed between the Community and Mexico in 1991,
 - recalling the principles set out in the Solemn Joint Declaration signed in Paris on 2 May 1995 by the Commission and the Council, of the one part, and Mexico, of the other part,
- have decided to develop relations on a long-term basis.

2. OBJECTIVES

The European Union and Mexico consider that the establishment of greater political dialogue represents a fundamental aspect of their envisaged economic and political rapprochement and constitutes a decisive factor in promoting the principles set out in the preamble to this Declaration.

That dialogue shall be based on the Parties' shared attachment to democracy and respect for human rights as well as the desire to maintain peace and establish a just and stable international order, in accordance with the United Nations Charter.

Its aims shall be to forge lasting links of solidarity between the European Union and Mexico, contributing to the stability and prosperity of their respective regions, to strive to implement the process of regional integration and to promote a climate of understanding and tolerance between their peoples and cultures.

The dialogue shall cover all subjects of shared interest and shall aim to open up paths towards new forms of cooperation with shared objectives, including by means of joint international initiatives, particularly in the areas of peace, security and regional development.

3. DIALOGUE MECHANISMS

The Parties shall conduct such political dialogue by means of contacts, information exchanges and consultations between the various Mexican and European Union bodies, including the European Commission.

It shall be held, in particular:

- at presidential level,
- at ministerial level,
- at senior official level,
- and by using diplomatic channels to maximum advantage.

Presidential meetings, the detailed arrangements for which shall be decided on by the Parties, shall take place regularly between the highest authorities of the Parties.

Meetings at ministerial level, the detailed arrangements for which shall be decided on by the Parties, shall take place regularly between the Ministers for Foreign Affairs.

Joint Declaration on the dialogue at parliamentary level

The Parties underline the advisability of institutionalising a political dialogue at Parliamentary level by means of contacts between the European Parliament and the Mexican Congress (Chamber of Deputies and Senate).

Joint Interpretative Declaration relating to Article 4

The commitments that result from Article 4 of this Agreement shall not take effect until the decision referred to in Article 5 is adopted, in conformity with Article 7 of this Agreement.

Joint Declaration relating to Article 24(3)

The Parties confirm their multilateral obligations on maritime transport services undertaken as members of the WTO, taking also into account their respective obligations under the OECD Code of Liberalisation of Current Invisible Operations.

Joint Declaration relating to Article 35

Both Parties agree to give their institutional support, in the multilateral field, to the adoption, entry into force and enforcement of the International Code of Conduct for Responsible Fishing.

UNILATERAL DECLARATIONS

Declaration by the Community relating to Article 11

The Community declares that, until the adoption by the Joint Council of the implementing rules on fair competition referred to in Article 11(2) it shall assess any practice contrary to that Article on the basis of the criteria resulting from the rules contained in Articles 85, 86 and 92 of the Treaty establishing the European Community, and, for products covered by the Treaty establishing the European Coal and Steel Community, by those contained in Articles 65 and 66 of that Treaty and the Community rules on State aids, including secondary legislation.

Declaration by the Community and its Member States on the intellectual property conventions referred to in Article 12

The Community and its Member States understand that the relevant multilateral conventions on intellectual property referred to in Article 12(2)(b) include at least the following:

- Bern Convention for the Protection of Literary and Artistic Works (Paris Act, 1971, amended in 1979),
 - International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome 1961),
 - Paris Convention for the protection of industrial property (Stockholm Act 1967 and amended in 1979),
 - Patent Cooperation Treaty (Washington 1970, amended in 1979 and modified in 1984),
 - Madrid Agreement concerning the International Registration of Marks (Stockholm Act 1967 and amended in 1979),
 - Protocol to the Madrid Agreement concerning the international registration of marks (Madrid 1989),
 - Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks (Geneva 1977, amended in 1979),
 - Budapest Treaty on the International Recognition of the deposit of Micro-organisms for the Purposes of Patent Procedure (1977, modified in 1980),
 - International Convention for the protection of new varieties of plants (UPOV) (Geneva Act 1991),
 - Trademark Law Treaty (Geneva, 1994).
-

Declaration by Mexico on Title I

Mexico's foreign policy is founded on the principles enshrined in its Constitution:

Self determination of nations

Non-intervention

Peaceful settlement of disputes

Prohibition of the threat or use of force in international relations

Legal equality of States

International cooperation for development

The struggle for international peace and international security.

Given its historical experience and the supreme mandate of its political constitution, Mexico expresses its full conviction that only the full observance of international law is the foundation of peace and development. Mexico declares, likewise, that the principles of coexistence of the international community, as expressed in the United Nations Charter, the principles enunciated in the Universal Declaration of Human Rights and democratic principles, are the permanent guide of its constructive participation in international affairs and are the framework for its relationship with the Community and its Member States, governed by this Agreement, and for its relationship with any other country or group of countries.

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Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien

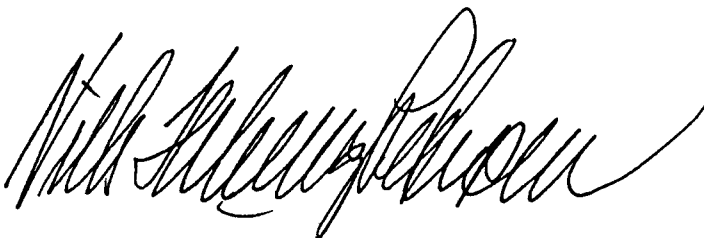


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Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Kongeriget Danmark



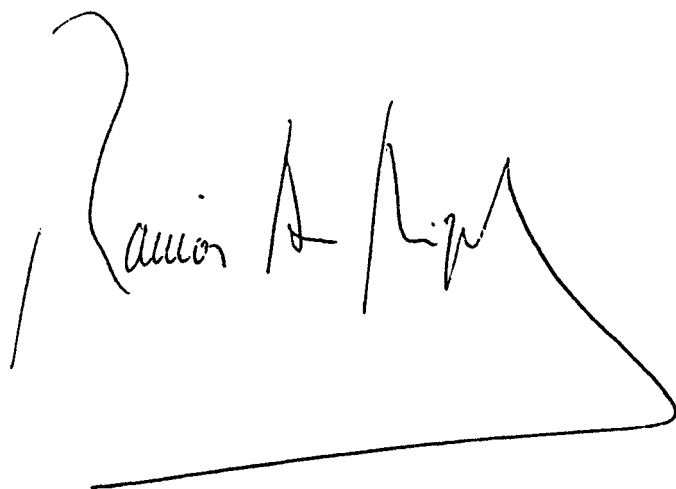
Für die Bundesrepublik Deutschland



Για την Ελληνική Δημοκρατία



Por el Reino de España

A handwritten signature in black ink, appearing to read "Juan Antonio López". The signature is written in a cursive style with a long horizontal stroke at the end.

Pour la République française

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher.

Thar ceann na hÉireann
For Ireland

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Per la Repubblica italiana

A handwritten signature in black ink, consisting of a series of connected, cursive loops.

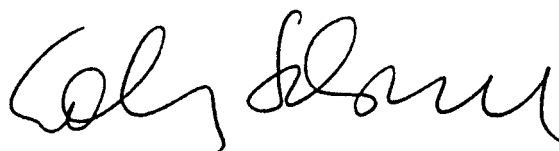
Pour le Grand-Duché de Luxembourg



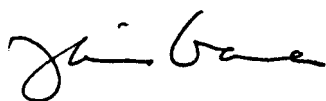
Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige

For the United Kingdom of Great Britain and Northern Ireland

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

För Europeiska gemenskapen

Por los Estados Unidos Mexicanos

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke followed by several smaller, more complex strokes and loops.

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(2)

At the same time, the plenipotentiaries of the EUROPEAN COMMUNITY,

Hereinafter referred to as 'the Community',

of the one part, and

the plenipotentiaries of THE UNITED MEXICAN STATES,

hereinafter referred to as 'Mexico',

of the other part,

meeting at Brussels on the eighth day of December in the year one thousand nine hundred and ninety-seven for the signature of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, hereinafter referred to as 'the Agreement', have adopted the following text:

— The Agreement

The plenipotentiaries of the Community and the plenipotentiaries of Mexico have adopted the text of the Joint Declaration listed below and annexed to this Final Act:

— Joint Interpretative Declaration relating to Article 2 of the Agreement

The plenipotentiaries of Mexico have taken note of the Declaration by the Community mentioned below and annexed to this Final Act:

— Declaration by the European Community relating to Article 5 of the Agreement

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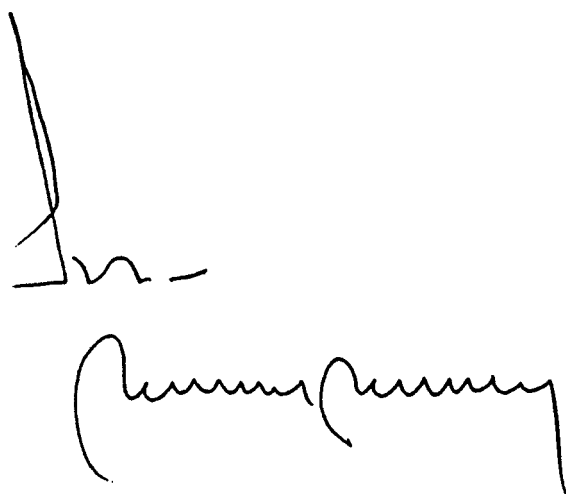
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Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
För Europeiska gemenskapen



Por los Estados Unidos Mexicanos



Joint interpretative Declaration relating to Article 2

The commitments resulting from Article 2 of this Agreement will not take effect until the decision referred to in Article 3 is adopted.

Declaration by the European Community relating to Article 5

The Community declares that, until the adoption by the Joint Council of the implementing rules on competition referred to in Article 5(2), it will assess any practice contrary to that Article on the basis of the criteria resulting from the rules contained in Articles 85, 86 and 92 of the Treaty establishing the European Community, and, for products covered by the Treaty establishing the European Coal and Steel Community, by those contained in Articles 65 and 66 of that Treaty and the Community rules on State aids, including secondary legislation.

(3)

At the same time the plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Mexico have adopted the text of the following Joint Declaration:

JOINT DECLARATION BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES AND THE UNITED MEXICAN STATES

With a view to the adequate coverage of the issues contained in Titles III and IV of the Economic Partnership, Political Coordination and Cooperation Agreement signed on 8 December 1997 within a comprehensive framework, the European Community and its Member States and the United Mexican States undertake to:

1. Start and if possible, conclude negotiations regarding the arrangements for the liberalization of trade in services and of capital movements and payments as well as the measures relating to intellectual property provided for in Articles 6, 8, 9 and 12 of that Agreement, in parallel with negotiations on the arrangements and timetable for liberalization of trade in goods provided for both in Article 5 of that Agreement and in Article 3 of the Interim Agreement on trade and trade-related matters between the European Community and the United Mexican States signed on 8 December 1997.
 2. Aim at ensuring that, without prejudice to the accomplishment of their respective internal procedures, the results of the negotiation on the liberalization of services and of capital movements and payments as well as the measures relating to intellectual property, provided for above, may enter into force as soon as possible, thereby achieving the Parties' shared objective of a global trade liberalisation covering both goods and services, in accordance with Article 7 of the Economic Partnership, Political Coordination and Cooperation Agreement.
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Information on the entry into force of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part

As the Parties exchanged their instruments of ratification on 30 June 1998, the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part, enters into force on 1 July 1998, pursuant to Article 19 of that Agreement.

COMMISSION

COMMISSION DECISION

of 27 July 1998

amending Decision 98/372/EC concerning animal health conditions and veterinary certification for imports of live animals of bovine and porcine species from certain European countries to take into account some aspects in relation to Croatia and the Czech Republic

(notified under document number C(1998) 2239)

(Text with EEA relevance)

(98/505/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 72/462/EEC, of 12 December 1972, on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Council Directive 97/79/EC⁽²⁾, and in particular Articles 6, 8 and 11,

Whereas the animal health conditions and veterinary certification for imports of domestic animals of the bovine and porcine species from certain European countries, were established by Commission Decision 98/372/EC⁽³⁾;

Whereas some health restrictions were applied by the European Community to some zones of the country due to some problems concerning the veterinary controls in those parts;

Following a recent Community veterinary mission, it appears that the Croatian veterinary services control satisfactorily the whole country;

Whereas, as a result, it is appropriate to make possible the importation of bovine live animals from the whole Croatia;

Whereas the guarantees provided by Croatia as regard bovine tuberculosis and brucellosis can not be considered as equivalent to that of herds in the European Community having the status of officially free;

Whereas animal health conditions and veterinary certification must be adapted according to the animal health

situation of the third country concerned; whereas some supplementary guarantees should be required as regards the tuberculosis and brucellosis on imports of bovine animals from Croatia; whereas these supplementary guarantees will be reviewed on the light of the evolution of the situation;

Whereas the presence of classical swine fever has been confirmed in domestic pig holdings in some areas of the Czech Republic in 1997;

Whereas following the measures adopted by the Czech Authorities, the epidemiological situation in domestic pig holdings has improved and no new outbreaks have occurred since June 1997;

Whereas it is necessary to modify the region where the Classical Swine Fever has been detected in feral pigs, to be adapted to the present situation;

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

Decision 98/372/EC is amended as follows:

1. Annex I is replaced by Annex I of the present Decision;
2. Annex II is replaced by Annex II of the present Decision;
3. Annex IV is replaced by Annex III of the present Decision.

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 170, 16. 6. 1998, p. 34.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX I

DESCRIPTION OF TERRITORIES OF CERTAIN EUROPEAN COUNTRIES ESTABLISHED
FOR ANIMAL HEALTH CERTIFICATION PURPOSES

Country	Code of territory	Version	Description of territory
ALBANIA	AL	01/98	Whole country
BOSNIA-HERZEGOVINA	BA	01/98	Whole country
BULGARIA	BG	01/98	Whole country
	BG-1	01/98	The provinces of Varna, Dobrich, Silistra, Choumen, Targovichte, Razgrad, Rousse, V. Tarnovo, Gabrovo, Pleven, Lovetch Plovdiv, Smolian, Pasardjik, Sofia district, Sofia city, Pernik, Kustendil, Blagoevgrad, Vratza, Montana and Vidin
	BG-2	01/98	The provinces of Bourgas, Jambol, Sliven, Starazagora, Hasskovo and Kardjali
BELARUS	BY	01/98	Whole country
CZECH REPUBLIC	CZ	01/98	Whole country
	CZ-1	02/98	Whole country excluding the provinces of Breclav, Kromeriz, Vyskov, Hodonin, Uherska Hradiste, Zlin, Znojmo and Prerov
	CZ-2	02/98	The provinces of Breclav, Kromeriz, Vyskov, Hodonin, Uherska Hradiste, Zlin, Znojmo and Prerov
ESTONIA	EE	01/98	Whole country
FEDERAL REUBLIC OF YUGOSLAVIA	FY	01/98	Whole country
	FY-1	01/98	The Federal Republic of Yugoslavia excluding the region of Kosovo and Metohija
	FY-2	01/98	The region of Kosovo and Metohija
CROATIA	HR	01/98	Whole country
HUNGARY	HU	01/98	Whole country

Country	Code of territory	Version	Description of territory
LITHUANIA	LI	01/98	Whole country
LATVIA	LV	01/98	Whole country
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	MK	01/98	Whole country
POLAND	PL	01/98	Whole country
ROMANIA	RO	01/98	Whole country
RUSSIA	RU	01/98	Whole country
SLOVENIA	SI	01/98	Whole country
SLOVAK REPUBLIC	SK	01/98	Whole country'

ANNEX II

ANNEX II

ANIMAL HEALTH GUARANTEES REQUESTED ON CERTIFICATION — LIVE ANIMALS

Country	Code	Bovine				Swine			
		Breeding/production		Slaughter		Breeding/production		Slaughter	
		MC (1)	SG (2)	MC (1)	SG (2)	MC (1)	SG (2)	MC (1)	SG (2)
ALBANIA (3)	AL	—		—		—		—	
BOSNIA-HERZEGOVINA (3)	BA	—		—		—		—	
BULGARIA	BG	—		—		—		—	
	BG-1	A		B		—		—	
	BG-2	—		—		—		—	
BELARUS (3)	BY	—		—		—		—	
CZECH REPUBLIC	CZ	A		B		—		—	
	CZ-1	A		B		C		D	
	CZ-2	A		B		—		—	
ESTONIA (3)	EE	A (3)		B (3)		—		—	
FEDERAL REPUBLIC OF YUGOSLAVIA	FY	—		—		—		—	
	FY-1	—		—		—		—	
	FY-2	—		—				—	
CROATIA	HR	A	d	B		—		—	
HUNGARY	HU	A		B		C		D	
LITHUANIA (3)	LI	A (3)		B (3)		—		—	
LATVIA (3)	LV	A (3)		B (3)		—		—	
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	MK	—		—		—		—	
POLAND	PL	A		B		—		—	
ROMANIA	RO	A		B		—		—	
RUSSIA (3)	RU	—		—		—		—	
SLOVENIA	SI	A		B		—		—	
SLOVAK REPUBLIC	SK	A		B		—		—	

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- (¹) MC: model of certificate to be fulfilled. The letters (A, B, C, D, . . .) appearing on the tables refer to the models of animal health guarantees as described in Annex III, to be applied for each animal and origin in accordance with Article 2 of Decision 98/372/EC. A dash (—) indicates that imports are not authorised.
- (²) SG: Supplementary guarantees. The letters (a, b, c, d, . . .) appearing on the tables refer to the supplementary guarantees to be provided by the exporting country as described in Annex IV. These supplementary guarantees must be inserted by the exporting country in section VI of each model of certificate laid down in Annex III.
- (³) The imports of domestic animals of the bovine and porcine species are not allowed in so far as a programme of control of residues in the exporting non-member country has not been approved by the European Commission.
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*ANNEX III**ANNEX IV*

Supplementary guarantees to be provided by the exporting territory when required in Annex II in application of Article 2(2).

- (a) The animals described in this certificate have reacted negatively to a foot-and-mouth virus test carried out by the laryngo-pharyngeal scrape method (probang test).
- (b) The animals described in this certificate have reacted negatively to a serological test carried out to detect the presence of foot-and-mouth antibodies.
- (c) The animals described in this certificate have been isolated for at least 14 days immediately prior to loading for export at a quarantine station in the territory of origin under the surveillance of an official veterinarian, no animal on the premises of isolation having been vaccinated against foot-and-mouth disease during the 21 days preceding exportation and no animal other than those forming part of the consignment having been introduced to the premises of isolation during the same period.
- (d) The animals are coming from the following herds which has been qualified as "Officially free of tuberculosis, brucellosis and leukosis", as defined under Annexes A and G of the Directive 64/432/EEC:

No of qualified herd	Total of animals	Number of exported animals	Date of test

COMMISSION DECISION

of 27 July 1998

correcting Commission Decision 97/306/EC of 18 April 1997 amending the boundaries of the less-favoured areas in Spain within the meaning of Articles 20 to 25 of Regulation (EC) No 950/97

(notified under document number C(1998) 2279)

(Only the Spanish text is authentic)

(98/506/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures ⁽¹⁾, and in particular Article 30 thereof,

Whereas the Annex to Commission Decision 97/306/EC of 18 April 1997 ⁽²⁾, amending the boundaries of the less-favoured areas in Spain should be corrected;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

Article 1

The Annex to Commission Decision 97/306/EC of 18 April 1997 is hereby corrected as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 27 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 142, 2. 6. 1997, p. 1.

⁽²⁾ OJ L 130, 22. 5. 1997, p. 14.

ANNEX

Table of corrections to be made to Commission Decision 97/306/EC of 18 April 1997

Common autonome	Wording to be deleted	Wording to be inserted
c.a. 08 Punto C	Comarca 04 - Serranía Baja	Comarca 03 - Serranía Media
c.a. 08 Punto C	199 Gabaldón	199 Solera del Gabaldón
c.a. 08 Punto D	901 Robledal	901 El Robledo
c.a. 07 Punto C	(*) Comarca: 02-Sepúlveda 905 Cuevas del Provanco	(*) Comarca: 02-Sepúlveda 902 Cozuelos de Fuentidueña 905 Cuevas del Provanco
c.a. 04 Punto E	903 Migjorn Gran (Es)	902 Migjorn Gran (Es)
c.a. 17 Punto G	(*) Comarca 01 - Guipúzcoa	Comarca 01 - Guipúzcoa (the asterisk is deleted)
c.a. 17 Punto C	904 Baliarrin	904 Baliarrain

COMMISSION DECISION

of 28 July 1998

amending Decision 97/408/EC on protective measures in relation to classical swine fever in the Czech Republic*(notified under document number C(1998) 2276)***(Text with EEA relevance)**

(98/507/EC)

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(1) thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Directive 96/43/EC, and in particular Article 19(1) thereof,

Whereas the presence of classical swine fever has been confirmed in domestic pig holdings in some areas of the Czech Republic in 1997;

Whereas the Commission adopted Decision 97/408/EC of 25 June 1997 on protective measures in relation to classical swine fever in the Czech Republic ⁽⁴⁾;

Whereas the epidemiological situation in domestic pig holdings has improved;

Whereas classical swine fever still persists in the feral pig population in some areas of the Czech Republic;

Whereas this situation is liable to endanger the herds of the European Community;

Whereas it is therefore necessary to maintain some of the protective measures adopted with Decision 97/408/EC in areas where the disease has been detected in feral pigs in 1997 and 1998;

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. Article 1 of Commission Decision 97/408/EC is replaced by the following article:

'Article 1

The Member States shall prohibit the importation of live pigs, semen, embryos and ova of the porcine species from the districts of the Czech Republic described in the Annex to this Decision.'

2. The Annex to Commission Decision 97/408/EC is replaced by the Annex to this Decision.

Article 2

The Member States shall amend the measures they apply in respect of the Czech Republic to bring them into line with this Decision. They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 58.

*ANNEX***Districts of the Czech Republic**

Breclav
Kromeriz
Vyskov
Hodonin
Uherske Hradiste
Zlin
Znojmo
Prerov
