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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2196/98**of 1 October 1998****concerning the granting of Community financial assistance for actions of an innovative nature to promote combined transport**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75(1) thereof,

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

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽⁴⁾,

- (1) Whereas the present situation and the expected development of transport in the Community make it necessary to manage the Community's transport resources to optimum effect and hence to promote combined transport;
- (2) Whereas Commission Decision 93/45/EEC of 22 December 1992 concerning the granting of financial support for pilot schemes to promote combined transport ⁽⁵⁾ launched, in 1992, an experimental five-year scheme for the granting of financial assistance for pilot schemes to promote combined transport; whereas that scheme came to an end on 31 December 1996;
- (3) Whereas, therefore, Community action in this area is clearly useful; whereas this experimental scheme should be converted into a proper framework for Community action in the field of combined transport which takes account of the experience gained since 1992;
- (4) Whereas the main objective of Community action in the field of combined transport is to increase the competitiveness of this type of transport in order to

provide alternatives to road transport which are acceptable to the user; whereas financial assistance for projects eligible under this Regulation can therefore be of direct benefit only to Member States and to natural or legal persons established in the Community, and solely in respect of expenditure and costs incurred on Community territory;

- (5) Whereas Member States and natural or legal persons established in the Community should be the only applicants submitting a combined transport project; whereas it is possible, however, for directly concerned third countries and persons established outside the Community to be associated with the submission of a project;
- (6) Whereas combined transport projects should cover commercial services relating to this type of transport; whereas Community financial assistance is consequently granted for innovative operational measures and for feasibility studies relating to them; whereas projects concerning infrastructure networks and research and technological development projects are therefore excluded from the scope of this Regulation;
- (7) Whereas the Community financial assistance referred to in this Regulation should be provided for a limited period;
- (8) Whereas it is advisable to allow applicants to submit projects which best match current market needs; whereas innovation should therefore not be discouraged by an over-rigid definition of innovative projects;
- (9) Whereas it is nevertheless necessary, during the project selection procedure, to ensure that the project chosen makes a real contribution to the common transport policy and does not cause unacceptable distortions of competition;

⁽¹⁾ OJ C 343, 15. 11. 1996, p. 4 and OJ C 364, 2. 12. 1997, p. 5.

⁽²⁾ OJ C 89, 19. 3. 1997, p. 18.

⁽³⁾ OJ C 379, 15. 12. 1997, p. 47.

⁽⁴⁾ Opinion of the European Parliament of 12 June 1997 (OJ C 200, 30. 6. 1997, p. 137), Council common position of 17 March 1998 (OJ C 161, 27. 5. 1998, p. 1) and Decision of the European Parliament of 2 July 1998 (OJ C 226, 20. 7. 1998).

⁽⁵⁾ OJ L 16, 25. 1. 1993, p. 55.

- (10) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 ⁽¹⁾, is included in this Regulation for the entire duration of the action provided for, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;
- (11) Whereas the Commission should monitor the progress of projects in order to obtain the desired results; whereas the respective powers and responsibilities of the Member States and the Commission with regard to financial control should be spelt out;
- (12) Whereas the Commission should evaluate the procedures for implementing combined transport projects in order to assess whether the objectives originally set can be or have been attained;
- (13) Whereas the application of this Regulation should be monitored on a regular basis; whereas, to this end, the Commission should, two years after the Regulation enters into force, report on progress to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- (14) Whereas the activities financed should be the subject of appropriate information, publicity and transparency;
- (15) Whereas the purpose of the action covered by this Regulation is to help start up combined transport projects; whereas this Regulation should therefore be of limited duration,

HAS ADOPTED THIS REGULATION:

Article 1

Objective

This Regulation specifies the conditions, detailed rules and procedures for granting Community financial assistance to innovative projects, which contribute to the increased use of combined transport and encourage the transfer of traffic from roads to more environment-friendly modes of transport through:

- (a) increasing the competitiveness of combined transport as compared with exclusively road haulage; or
- (b) promoting the use of advanced technology in combined transport; or
- (c) improving the possibilities of supplying combined transport services.

⁽¹⁾ OJ C 293, 8. 11. 1995, p. 4.

Article 2

Definitions and scope

1. For the purposes of this Regulation:

- 'combined transport' means the transport of goods between Member States where the lorry, trailer, semi-trailer, with or without the tractor unit, swap body or container of 20 feet or more uses the road on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services, on the understanding that the road section is as short as possible,
- 'combined transport action' means any action of an innovative nature aimed at achieving the objectives provided for in Article 1 and selected in accordance with Article 7.

2. Within the territory of the Community, combined transport actions shall primarily be covered by Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network ⁽²⁾.

These actions may be developed in rail freight corridors.

3. However, combined transport actions may also cover routes situated partly outside Community territory, on the following conditions:

- the action must be carried out in the interests of the common transport policy, as in the case of projects concerning transit third countries in the context of an intra-Community transport operation,
- the action must cover the territory of at least one Member State.

Article 3

Eligible projects

Eligible projects are innovative projects which constitute:

- (a) innovative operational measures;
- (b) feasibility studies which plan and prepare innovative operational measures.

Article 4

Applicants submitting projects

1. Any Member State or any public or private natural or legal person, established within the Community, may submit a project to the Commission.

⁽²⁾ OJ L 228, 9. 9. 1996, p. 1.

Without prejudice to Article 2(3), as a general rule the project should be submitted by two or more public or private natural or legal persons who are nationals of at least two Member States.

When a project is submitted in accordance with the first subparagraph, any third country and any public or private natural or legal person, established outside the Community and directly concerned, may be associated with the submission of that project on the understanding that they receive no Community support under this Regulation.

2. Where the project involves exercising rights of access to the rail infrastructure as provided for in Article 10 of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways⁽¹⁾, Community financial assistance shall be granted only to railway undertakings which hold a licence within the meaning of Article 2 of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings⁽²⁾.

Article 5

Eligible expenditure and costs

1. Regarding expenditure and costs in respect of innovative operational measures, Community financial assistance shall be limited to a maximum of 30 %. The eligible expenditure and costs may include *inter alia*:

- (a) the cost of hiring, leasing or amortisation of combinations of vehicles — lorries, trailers, semi-trailers, with or without tractor unit, swap bodies or containers of 20 feet or more;
- (b) the cost of hiring, leasing or amortisation and of making the adjustments necessary to complete the planned action successfully, in respect of rolling stock (including locomotives) and inland waterway and sea vessels subject, with regard to inland waterway vessels, to compliance with the specific rules on structural improvements to inland waterway transport;
- (c) investment expenditure or the cost of hiring, leasing or amortisation in respect of installations permitting transshipment between railways, inland waterways, shipping routes and roads;
- (d) the cost of using rail, inland waterway and maritime infrastructures, with the exception of harbour dues and transshipment costs;
- (e) expenditure relating to the commercial operation of techniques, technologies or equipment previously tested and approved, in particular transport information technology;

⁽¹⁾ OJ L 237, 24. 8. 1991, p. 25.

⁽²⁾ OJ L 143, 27. 6. 1995, p. 70.

- (f) the cost of measures related to staff training and the dissemination of project results, as well as expenses for information and communication action taken in order to make new combined transport services known to the relevant transport industry.

Expenditure and/or costs under (a), (b), (c) and (e) are eligible provided that the beneficiary or beneficiaries of the assistance undertake to keep the equipment for which assistance has been granted on the route concerned throughout the duration of the contract.

2. Community financial assistance in respect of feasibility studies shall be limited to a maximum of 50 %.

3. The Community financial assistance provided for by this Regulation shall directly benefit Member States and the persons referred to in the first subparagraph of Article 4(1), in respect of the expenditure and costs incurred in Community territory.

This assistance shall be granted for a maximum period of three financial years.

4. When examining a project extending beyond Community territory submitted under this Regulation, the Commission shall consider the possibilities of financing the part of the project situated outside the Community by means of other Community budgetary instruments, in order to ensure efficient use of Community resources.

Article 6

Submission of projects

1. Projects for combined transport actions shall be submitted to the Commission. The submission shall contain all the elements necessary to enable the Commission to make its selection in accordance with Article 7.

2. The submission of an innovative operational measures project shall describe the project, taking into account the following elements:

- (a) identification of the project and the applicants submitting it, its general objectives and the financial assistance requested;
- (b) project objectives:
 - customer potential for combined transport,
 - prices and service performance (accessibility, reliability, time gains) in comparison with competing transport services, in particular road transport (at the time of submission and after implementation of the project),
 - envisaged receipts,

- cost factors (particularly elements for evaluating the marginal cost of access to the infrastructure, particularly rail, for the service covered by the action and any further information enabling a judgment to be made as to whether aid towards the costs of infrastructure access is justified),
 - timetable for viability,
 - compatibility and interoperability;
- (c) contribution of the project to the common transport policy:
- benefits to the environment and safety when compared with the existing situation, in particular in terms of the balance between different modes, making it possible, *inter alia*, to develop combined long-distance transport,
 - effects on other competing transport services in the relevant market and possible new entrants,
 - relevance of project results for other natural or legal persons, other routes, or other participants,
 - contribution of the project to the development and use of trans-European transport networks and rail freight freeways;
- (d) project characteristics:
- identification of modes of transport, natural or legal persons involved and cooperation planned,
 - reason for envisaged project (customer requests, congestion, market potential, remoteness of area, etc.),
 - innovative features in comparison with current situation,
 - duration of project,
 - need for assistance and information on the other sources of financing planned for the project as a whole,
 - market conditions, including existing technologies and services, taking account also of other modes;
- (e) financial statement itemising all the costs in ecus and the amount in ecus of aid applied for in respect of each eligible heading.
3. The submission of a feasibility study project must describe the project taking into account the following elements:
- information available on the content of points (a) to (c) of paragraph 2,
 - organisation of tasks, and implementation phases and timetable,
 - broad lines and summary of the study project.
4. The Commission shall forward to the Committee referred to in Article 8 the list of projects submitted to it, accompanied by a summary of eligible projects.

Article 7

Selection of projects — Granting of financial assistance

The Commission shall decide whether to grant financial assistance under this Regulation taking into account, for the selection of the project, the objectives referred to in Article 1, and the information referred to in Article 6(2) and (3) as appropriate, in accordance with the procedure laid down in Article 8.

It shall inform all beneficiaries and all Member States concerned directly of its decision.

Article 8

Committee

1. Where reference is made to the procedure laid down in this Article, the Commission shall be assisted by a Committee composed of the representatives of the Member States and 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 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 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.

Article 9

Financial provisions

1. Financial assistance may be granted for expenditure on the implementation of combined transport actions carried out by the beneficiaries or by third parties who have been made responsible for implementation.

2. Financial assistance shall not cover expenditure incurred before the date on which the Commission received the application.

3. Commitments and payments shall be expressed and paid in ecus.

4. As a general rule, payments shall be made in the form of advances and a final payment. The first advance shall be paid once the application for financial assistance has been approved. Subsequent payments shall be made on the basis of requests for payment and taking into account progress with the project.

5. The Commission shall make the final payment after approval of an activity report on the study or other measure submitted by the beneficiary and itemising all the expenditure actually incurred.

6. The Commission shall inform the Member States of the payments made and of the activity reports accepted.

Article 10

Financial reference amount

The financial reference amount for the implementation of the actions provided for in this Regulation, for the period 1 January 1997 to 31 December 2001, is ECU 35 million.

The annual appropriations shall be authorised by the budget authority within the limits of the financial perspective.

Article 11

Financial control

1. Without prejudice to inspections carried out by Member States in accordance with national laws, regulations and administrative provisions, to the provisions of Article 188a of the Treaty, and to inspections carried out under Article 209(c) of the Treaty, officials or other staff of the Commission may visit the sites of supported combined transport actions to carry out spot checks.

2. If the implementation of a combined transport action appears not to correspond, wholly or in part, to the project approved and/or its objectives, the Commission shall conduct appropriate investigations.

3. Following the investigations referred to in paragraph 2, the Commission may reduce, suspend or withdraw financial assistance for the combined transport action if the investigation confirms that there is some irregularity or that the conditions set out in the decision granting the financial assistance have not been met, particularly if there is an important change which affects the nature or conditions of implementation of the combined transport

action and if the beneficiaries had not obtained prior approval from the Commission.

Article 12

Monitoring and evaluation

1. The Commission shall be responsible for the financial execution and implementation of the Regulation. In order to ensure that Community aid is used efficiently, the Commission shall monitor and evaluate the implementation of combined transport actions during and after their completion. On completion of a combined transport action and before final payment, the Commission shall carry out an evaluation of it, taking into account a report by the beneficiary showing how money has been spent and demonstrating the extent to which traffic forecasts have been achieved.

2. Up to 1 % of the budget provided for in this Regulation shall be set aside for independent monitoring and evaluation.

3. The monitoring and evaluation procedures referred to in this Article shall be defined by the contracts, based on the decisions adopted in accordance with Article 7(1).

Article 13

Report

Two years after the entry into force of this Regulation, the Commission shall submit a report on the activities carried out under it to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. It shall take the utmost account of the comments made by the other institutions and bodies on the report.

The report shall be accompanied, if need be, by appropriate proposals for adjusting the orientation of the actions provided for in this Regulation.

The application of this Regulation shall be evaluated in line with Commission evaluation principles. The result of this evaluation shall be available by 1 October 2001.

Article 14

Publicity

The beneficiaries of Community aid shall ensure that proper publicity is given to the assistance granted under this Regulation to make the public aware of the role played by the Community in implementing combined transport actions. They shall consult the Commission on how this is to be done.

*Article 15***Duration**

The granting of financial assistance for combined transport under this Regulation shall be authorised from 1 January 1997 to 31 December 2001.

*Article 16***Entry into force**

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

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

Done at Luxembourg, 1 October 1998.

For the Council

The President

C. EINEM

COMMISSION REGULATION (EC) No 2197/98
of 13 October 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 Commission 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 14 October 1998.

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

Done at Brussels, 13 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 13 October 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	91,8
	999	91,8
0707 00 05	052	91,5
	999	91,5
0709 90 70	052	98,7
	999	98,7
0805 30 10	052	65,4
	388	88,4
	524	46,6
	528	49,7
	999	62,5
0806 10 10	052	100,8
	064	75,1
	400	213,3
	999	129,7
0808 10 20, 0808 10 50, 0808 10 90	052	61,7
	060	39,7
	064	40,7
	388	30,3
	400	75,7
	404	69,6
	800	157,6
	999	67,9
0808 20 50	052	95,8
	064	62,7
	999	79,3

⁽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 2198/98

of 13 October 1998

opening a standing invitation to tender for the export of barley held by the
German intervention agency

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 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export of 249 775 tonnes of barley held by the German intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 249 775 tonnes of barley for export to third countries, with the exception of the United States, Canada and Mexico.

2. The regions in which the 249 775 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 15 October 1998.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 27 May 1999.

4. Tenders shall be lodged with the German intervention agency.

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:
 - two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point as regards moisture content,
 - half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92 ⁽¹⁾, and
 - half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:
 - accept the lot as established, or
 - refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge,

the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

- (d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92 ⁽²⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 301, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 2198/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 2198/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2198/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2198/98
- Intervention barley without application of refund or tax, Regulation (EC) No 2198/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2198/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2198/98
- Gerst uit interventie, zonder toepassing van restitutief of belasting, Verordening (EG) nr. 2198/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 2198/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2198/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2198/98.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than ECU 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

- the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

- the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 18 of Regulation (EEC) No 3665/87.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

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

Done at Brussels, 13 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	172 597
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	12 167
Berlin/Brandenburg/ Mecklenburg-Vorpommern	28 582
Sachsen/Sachsen-Anhalt/Thüringen	36 429

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
barley held by the German intervention agency**

(Article 6(1) of Regulation (EC) No 2198/98)

— Name of successful tenderer:

— Date of award of contract:

— Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

*ANNEX III***Standing invitation to tender for the export of barley held by the German intervention agency**

(Regulation (EC) No 2198/98)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

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

— fax 296 49 56,
295 25 15;
— telex 22037 AGREC B,
22070 AGREC B (Greek characters).

COMMISSION REGULATION (EC) No 2199/98
of 13 October 1998
amending the import duties in the cereals sector

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 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2084/98⁽⁵⁾, as amended by Regulation (EC) No 2117/98⁽⁶⁾;

Whereas Article 2, (1,) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2084/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2084/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 14 October 1998.

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

Done at Brussels, 13 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 266, 1. 10. 1998, p. 14.

⁽⁶⁾ OJ L 267, 2. 10. 1998, p. 33.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	45,58	35,58
1001 90 91	Common wheat seed	57,22	47,22
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	57,22	47,22
	medium quality	80,20	70,20
	low quality	99,22	89,22
1002 00 00	Rye	104,90	94,90
1003 00 10	Barley, seed	104,90	94,90
1003 00 90	Barley, other ⁽³⁾	104,90	94,90
1005 10 90	Maize seed other than hybrid	108,69	98,69
1005 90 00	Maize other than seed ⁽³⁾	108,69	98,69
1007 00 90	Grain sorghum other than hybrids for sowing	104,90	94,90

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 September 1998 to 12 October 1998)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	107,73	97,24	85,82	70,29	130,07 ⁽¹⁾	70,84 ⁽¹⁾
Gulf premium (ECU/tonne)	—	7,05	— 0,81	5,25	—	—
Great Lakes premium (ECU/tonne)	10,71	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,26 per tonne; Great Lakes — Rotterdam: ECU 18,99 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COUNCIL DIRECTIVE 98/76/EC**of 1 October 1998**

amending Directive 96/26/EC on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75(1) thereof,

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

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

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

- (1) Whereas the differences between national regulations on admission to the occupation of road transport operator and the mutual recognition of diplomas, certificates and other evidence of formal qualifications could lead to distortions of competition;
- (2) Whereas it is therefore necessary to continue the process of harmonisation in this area, within the operational framework of the internal market, by further strengthening the common rules provided for in Directive 96/26/EC ⁽⁴⁾;
- (3) Whereas it is necessary, because of developments in the road haulage market and the operational requirements of the internal market, to extend the scope of Directive 96/26/EC to certain categories of road haulage operators for hire or reward using low-tonnage vehicles, such as courier services, subject to a specific derogation for road haulage undertakings engaged in local short-distance transport operations and using vehicles of a maximum authorised weight of between 3,5 and 6 tonnes;
- (4) Whereas with regard to good repute, provision should be made for more stringent requirements, including requirements concerning the protection of the environment and professional liability;
- (5) Whereas with regard to financial standing, it is necessary, in order to avoid imbalances in the market, to fix appropriate available capital and reserves at a higher minimum level and to fix the

value of the euro in those national currencies which are non-participants in the third stage of monetary union every five years;

- (6) Whereas, with regard to professional competence, it is necessary that applicant road transport operators provide proof of a harmonised minimum level of training in the same subjects and that they hold certificates, drawn up in accordance with a comparable model, certifying professional competence, in the commercial field in particular, at a harmonised minimum level and on the basis of uniform testing methods in all the Member States; whereas it is also necessary, for this purpose, to harmonise certain aspects of the organisation of the examination;
- (7) Whereas the right of Member States to organise compulsory courses of preparation for the examinations of professional competence for applicants taking them for the first time who are normally resident within their territories shall remain unaffected;
- (8) Whereas, therefore, the levels of knowledge to be taken into consideration for the issue of a certificate of professional competence, without prejudice to Directive 92/26/EC, differ from one Member State to another; whereas, because of these differences, national measures are therefore likely to vary considerably within the framework defined in Annex I to the said Directive, particularly as regards the qualifications of transport operators, the quality of service and road safety;
- (9) Whereas it should be accepted that, for a limited period and after consulting the Commission, Member States may require persons who have never previously obtained a certificate of professional competence in a Member State, but who have passed an examination of professional competence in one Member State when they were normally resident in another Member State where they intend to take up the occupation of road transport operator for the first time, to sit an additional examination; whereas such additional examination must cover areas in which national aspects of the profession differ from those of the

⁽¹⁾ OJ C 95, 24. 3. 1997, p. 66 and OJ C 324, 25. 10. 1997, p. 6.

⁽²⁾ OJ C 287, 22. 9. 1997, p. 21.

⁽³⁾ Opinion of the European Parliament of 17 July 1997 (OJ C 286, 22. 9. 1997, p. 224), Council common position of 17 March 1998 (OJ C 161, 27. 5. 1998, p. 12) and European Parliament Decision of 17 June 1998 (OJ C 210, 6. 7. 1998).

⁽⁴⁾ OJ L 124, 23. 5. 1996, p. 1.

Member State where they passed the examination, in particular the specific national commercial, social, fiscal and technical aspects or aspects linked to the organisation of the market and to company law;

- (10) Whereas it is necessary to introduce transitional measures for the implementation of Directive 96/26/EC in Austria, Finland and Sweden;
- (11) Whereas it is necessary to check periodically whether authorised transport operators still fulfil the requirements of good repute, financial standing and professional competence;
- (12) Whereas it is necessary for Member States to impose effective, proportionate and dissuasive penalties in the interests of the smooth operation of the internal market,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 96/26/EC is hereby amended as follows:

(1) in Article 1(2),

— the first indent shall be replaced by the following:

‘“the occupation of road haulage operator” shall mean the activity of any undertaking transporting goods for hire or reward by means of either a motor vehicle or a combination of vehicles;’

— the following indent shall be added:

‘“normal residence” shall mean the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition shall not be required where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.’

(2) in Article 2:

— paragraph 1 shall be replaced by the following:

‘1. This Directive shall not apply to undertakings engaged in the occupation of road haulage operator by means of motor vehicles or combinations of vehicles the maximum authorised weight of which does not exceed 3,5 tonnes. Member States may, however, lower this limit for all or some categories of transport operations.’

— the present text of paragraph 2 shall become paragraph 2(a) and the following subparagraph shall be inserted:

‘(b) In the case of undertakings engaged in the occupation of road haulage operator using vehicles the maximum authorised weights of which are between 3,5 and 6 tonnes the Member States may, after informing the Commission, exempt from the application of all or part of this Directive undertakings engaged exclusively in local transport and having only a minor impact on the transport market because of the short distances involved.’

(3) in Article 3:

— paragraph 2(c) shall be replaced by the following:

‘(c) have been convicted of serious offences against the rules in force concerning:

— the pay and employment conditions in the profession, or

— road haulage or road passenger transport, as appropriate, in particular the rules relating to drivers’ driving and rest periods, the weights and dimensions of commercial vehicles, road safety and vehicle safety, the protection of the environment and the other rules concerning professional liability.’

— paragraph 3(c) shall be replaced by the following:

‘(c) The undertaking must have available capital and reserves of at least EUR 9 000 when only one vehicle is used and at least EUR 5 000 for each additional vehicle.

For the purposes of this Directive, the value of the euro in those national currencies which are non-participants in the third stage of monetary union shall be fixed every five years. The rates to be applied shall be those obtained on the first working day of October and published in the *Official Journal of the European Communities*. They shall have effect from 1 January of the following calendar year.’

— paragraph 3(d) shall be replaced by the following:

'(d) For the purposes of subparagraphs (a), (b) and (c) the competent authority may accept or require, by way of proof, the confirmation or assurance provided by a bank or other properly qualified institution. Such confirmation or assurance may be given by a bank guarantee, possibly in the form of a pledge or security, or by any other similar means.'

— paragraph 4 shall be replaced by the following:

'4.(a) The condition relating to professional competence shall consist in the possession of knowledge corresponding to the level of training provided for in Annex I in the subjects listed therein. It shall be established by means of a compulsory written examination which may be supplemented by an oral examination organised in the form set out in Annex I by the authority or body designated for that purpose by the Member State.

(b) Member States may exempt from examination applicants who provide proof of at least five years' practical experience in a transport undertaking at management level, provided such applicants sit a test, the arrangements for which shall be determined by the Member States in accordance with Annex I.

(c) Member States may exempt the holders of certain advanced diplomas or technical diplomas, which provide proof of a sound knowledge of the subjects listed in Annex I to be defined by them, from sitting an examination in the subjects covered by the diplomas.

(d) A certificate issued by the authority or body referred to in (a) shall be produced as proof of professional competence. This certificate shall be drawn up in accordance with the form of certificate set out in Annex Ia.

(e) With regard to applicants intending to perform the effective and continuous management of undertakings engaging solely in national transport operations, Member States may stipulate that the knowledge to be taken into consideration in order to establish professional competence shall cover only subjects relating to national transport. In that case, the certificate of professional competence, a model of which is contained in Annex Ia hereto, shall state that the holder is qualified to perform the effective and continuous management of

undertakings engaging solely in transport operations within the Member State that issued the certificate.

(f) After consulting the Commission a Member State may require that any natural person who holds a certificate of professional competence issued by a competent authority in another Member State after 1 October 1999 when that person was normally resident in the first Member State sit an additional examination organised by the authority or body designated for that purpose by the first Member State. The additional examination shall cover the specific knowledge relating to the national aspects of the occupation of road haulage operator in the first Member State.

This point shall apply for a period of three years from 1 October 1999. That period may be extended for a further maximum period of five years by the Council acting on a proposal from the Commission according to the rules of the Treaty. It shall apply only to natural persons who, when they obtained the certificate of professional competence under the conditions referred to in the first subparagraph, had not yet obtained the said certificate in a Member State.'

(4) in Article 5:

— in paragraph 1 the following indent shall be added:

'— 1 January 1995 for Austria, Finland and Sweden.'

— in paragraph 2, first subparagraph, the following indent shall be added after the indent commencing '— after 2 October 1989':

'— after 31 December 1994 and before 1 January 1997 for Austria, Finland and Sweden.'

— in paragraph 2 the following indent shall be added at the end of the first subparagraph after the indent commencing '— 1 July 1992':

'— 1 January 1997 for Austria, Finland and Sweden.'

— the following paragraph shall be added:

'3.(a) All undertakings that are authorised to engage in the occupation of road transport operator before 1 October 1999 shall, as regards the fleets of vehicles they operate on that date, comply with Article 3(3) no later than 1 October 2001.

Such undertakings shall, however, fulfil the conditions imposed in Article 3(3) as regards any additions to their fleets after 1 October 1999.

- (b) Undertakings engaged in the occupation of road haulage operator before 1 October 1999 by means of vehicles for which the maximum authorised weights are between 3,5 and 6 tonnes shall comply with the conditions imposed in Article 3(3) no later than 1 October 2001.

- (5) in Article 6(1) the following subparagraphs shall be added:

'Member States shall ensure that the competent authorities check regularly and at least every five years that undertakings still fulfil the requirements of good repute, financial standing and professional competence.

If the requirement of financial standing is not fulfilled at the time of checking the authorities may, where the undertaking's other economic circumstances give grounds for assuming that the requirements of financial standing will again be sustainably fulfilled within the foreseeable future on the basis of a financial plan, give further notice of not more than one year.'

- (6) in Article 7:

- the beginning of paragraph 1 shall be replaced by '1. Where offences against the rules ...',
- the existing paragraph 2 shall be deleted and the existing paragraph 3 shall become new paragraph 2;

- (7) in Article 8:

- in paragraph 2 the words 'or of no previous bankruptcy' shall be deleted,
- in paragraph 4 the last sentence shall be deleted;

- (8) in Article 10(3) the date of 1 January 1990 shall be replaced by the date laid down in Article 2(1), first subparagraph, of this Directive;

- (9) the following Articles shall be inserted after Article 10:

'Article 10a

Member States shall provide for systems of penalties for infringements of the national provisions adopted in accordance with this Directive and shall take all

the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive.

Article 10b

After 1 October 1999 Member States shall recognise as sufficient proof of professional competence certificates complying with the form of certificate set out in Annex Ia and issued by the authority or body designated for that purpose by each other Member State.'

- (10) Annex I shall be replaced by Annex I to this Directive and Annex Ia as set out in Annex II to this Directive shall be added.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 October 1999. They shall forthwith inform the Commission thereof.

When the 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 of making such reference shall be laid down by the Member States.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 1 October 1998.

For the Council

The President

C. EINEM

ANNEX I

ANNEX I

I. LIST OF SUBJECTS REFERRED TO IN ARTICLE 3(4)

The knowledge to be taken into consideration for the official recognition of professional competence by the Member States must cover at least the subjects listed below for road haulage and road passenger transport respectively. In relation to these subjects, applicant road haulage and road passenger transport operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

The minimum level of knowledge, as indicated below, may not be below level 3 of the the training-level structure laid down in the Annex to Decision 85/368/EEC ⁽¹⁾, that is the level achieved in training acquired in the course of compulsory education supplemented either by vocational training and supplementary technical training or by secondary-level school technical training.

A. Civil law

Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;
2. be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;

Road haulage

3. be able to consider a claim by his principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his contractual liability;
4. be familiar with the rules and obligations arising from the CMR Convention on the contract for the international carriage of goods by road;

Road passenger transport

5. be able to consider a claim by his principal regarding compensation for injury to passengers or damage to their baggage caused by an accident during transportation, or regarding compensation for delays, and to understand how such a claim affects his contractual liability.

B. Commercial law

Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, keeping records, etc.) and the consequences of bankruptcy;
2. have appropriate knowledge of the various forms of commercial company and the rules governing their constitution and operation.

C. Social law

Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);

⁽¹⁾ Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community (OJ L 199, 31. 7. 1985, p. 56).

2. be familiar with the employers' social security obligations;
3. be familiar with the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
4. be familiar with the provisions of Regulation (EEC) No 3820/85 ⁽¹⁾ and Regulation (EEC) No 3821/85 ⁽²⁾, and the practical arrangements for implementing these Regulations.

D. Fiscal law

Road haulage and passenger transport

The applicant must, in particular, be familiar with the rules governing:

1. VAT on transport services;
2. motor-vehicle tax;
3. the taxes on certain road haulage vehicles and tolls and infrastructure user charges;
4. income tax.

E. Business and financial management of the undertaking

Road haulage and passenger transport

The applicant must, in particular:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or method of payment;
2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and with the charges and obligations arising from them;
3. know what a balance sheet is, how it is set out and how to interpret it;
4. be able to read and interpret a profit and loss account;
5. be able to assess the undertakings' profitability and financial position, in particular on the basis of financial ratios;
6. be able to prepare a budget;
7. be familiar with his undertaking's cost elements (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;
8. be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;
9. be familiar with the principles of marketing, publicity and public relations, including transport services sales promotion and the preparation of customer files, etc.;
10. be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and with the guarantees and obligations arising therefrom;
11. be familiar with the applications of electronic data transmission in road transport;

Road haulage

12. be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms;
13. be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status;

⁽¹⁾ Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport (OJ L 370, 31. 12. 1985, p. 1).

⁽²⁾ Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31. 12. 1985, p. 8). Regulation as last amended by Commission Regulation (EC) No 1056/97 (OJ L 154, 12. 6. 1997, p. 21).

Road passenger transport

14. be able to apply the rules governing fares and pricing in public and private passenger transport;
15. be able to apply the rules governing the invoicing of road passenger transport services.

F. Access to the market*Road haulage and passenger transport*

The applicant must, in particular:

1. be familiar with the occupational regulations governing road transport for hire or reward, industrial vehicle rental and sub-contracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra- and extra-Community road transport operations, inspections and sanctions;
2. be familiar with the rules for setting up a road transport undertaking;
3. be familiar with the various documents required for operating road transport services and be able to introduce checking procedures for ensuring that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;

Road haulage

4. be familiar with the rules on the organisation of the market in road haulage services, on freight handling and logistics;
5. be familiar with frontier formalities, the role and scope of T documents and TIR carnets, and the obligations and responsibilities arising from their use;

Road passenger transport

6. be familiar with the rules on the organisation of the market in road passenger transport;
7. be familiar with the rules for introducing road passenger transport services and be able to draw up transport plans.

G. Technical standards and aspects of operation*Road haulage and passenger transport*

The applicant must, in particular:

1. be familiar with the rules concerning the weights and dimensions of vehicles in the Member States and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;
2. be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;
3. be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;
4. understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;
5. be able to draw up periodic maintenance plans for the vehicles and their equipment;

Road haulage

6. be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);
7. be familiar with the various techniques of "piggy-back" and roll-on roll-off combined transport;

8. be able to implement procedures for complying with the rules on the carriage of dangerous goods and waste, notably those arising from Directive 94/55/EC ⁽¹⁾, Directive 96/35/EC ⁽²⁾, and Regulation (EEC) No 259/93 ⁽³⁾;
9. be able to implement procedures for complying with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP);
10. be able to implement procedures for complying with the rules on the transport of live animals.

H. Road safety

Road haulage and passenger transport

The applicant must, in particular:

1. know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);
2. be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different Member States (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);
3. be able to draw up drivers' instructions for checking their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;
4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures for preventing the recurrence of accidents or serious traffic offences;

Road passenger transport

5. have elementary knowledge of the layout of the road network in the Member States.

II. ORGANISATION OF THE EXAMINATION

1. Member States shall organise a compulsory written examination which they may supplement by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in part I, in particular, their capacity to use the instruments and techniques relating thereto and to fulfil the corresponding executive and coordination duties.
 - (a) The compulsory written examination shall involve two tests, namely:
 - written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems,
 - written exercises/case studies.The minimum duration of each test is two hours.
 - (b) Where an oral examination is organised, Member States may stipulate that participation is subject to successful completion of the written examination.
2. Where Member States also organise an oral examination, they must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25 % and a maximum of 40 % of the total number of marks to be given.

Where Member States organise only a written examination they must provide, in respect of each test, for a weighting of marks of a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.
3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50 % of the total number of marks possible. In one test only, a Member State may reduce that mark from 50 % to 40 %.

⁽¹⁾ Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12. 12. 1994, p. 7). Directive as last amended by Commission Directive 96/86/EC (OJ L 335, 24. 12. 1996, p. 43).

⁽²⁾ Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (OJ L 145, 19. 6. 1996, p. 10).

⁽³⁾ Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6. 12. 1993, p. 1). Regulation as last amended by Regulation (EC) No 120/97 (OJ L 22, 24. 1. 1997, p. 14).

ANNEX II

ANNEX Ia

EUROPEAN COMMUNITY

(Stout fawn paper — Format: DIN A4)

(Text in the official language(s) or one of the official languages of the Member State issuing the certificate)

Distinctive symbol of the Member State concerned ⁽¹⁾Designation of the competent authority or body ⁽²⁾**CERTIFICATE OF PROFESSIONAL COMPETENCE IN NATIONAL
[AND INTERNATIONAL] ⁽³⁾ ROAD HAULAGE [PASSENGER TRANSPORT] ⁽³⁾**

No . . .

We ⁽²⁾, hereby certify:(a) that ⁽⁴⁾

born in on

has passed the tests of the examination (year:; session:) ⁽⁵⁾ organised for the award of the certificate of professional competence in national [and international] ⁽³⁾ road haulage [passenger transport] ⁽³⁾ in accordance with ⁽⁶⁾(b) that the person referred to in (a) is qualified to work in a professional capacity in an undertaking responsible for road haulage [road passenger transport] ⁽³⁾:— engaging solely in national transport ⁽³⁾,— engaging in international transport ⁽³⁾.

This certificate constitutes the sufficient proof of professional competence referred to in Article 10(1) of Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations.

Issued at, on

..... ⁽⁷⁾

⁽¹⁾ Distinctive symbol of the State: (B) Belgium, (DK) Denmark, (D) Germany, (GR) Greece, (E) Spain, (F) France, (IRL) Ireland, (I) Italy, (L) Luxembourg, (NL) Netherlands, (A) Austria, (P) Portugal, (FIN) Finland, (S) Sweden, (UK) United Kingdom.

⁽²⁾ Authority or body designated in advance for this purpose by each Member State of the European Community to issue this certificate.

⁽³⁾ Delete as appropriate.

⁽⁴⁾ Surname and forenames; place and date of birth.

⁽⁵⁾ Identification of the examination.

⁽⁶⁾ Reference to the provisions of national law adopted in this field in accordance with the abovementioned Directive.

⁽⁷⁾ Signature and stamp of the competent authority or body issuing the certificate.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 October 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Guatemala

(notified under document number C(1998) 2950)

(Text with EEA relevance)

(98/568/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by the Council Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Guatemala to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Guatemala on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Guatemala the 'Dirección General de Servicios Pecuarios (DIGESEPE) del Ministerio de Agricultura, Ganadería y Alimentación' is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the

minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC ⁽³⁾ must be drawn up; whereas these lists must be drawn up on the basis of a communication from the DIGESEPE to the Commission; whereas it is therefore for the DIGESEPE to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the DIGESEPE has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 187, 7. 7. 1992, p. 41.

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

The 'Dirección General de Servicios Pecuarios (DIGESEPE) del Ministerio de Agricultura, Ganadería y Alimentación' shall be the competent authority in Guatemala for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in Guatemala must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'GUATEMALA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DIGESEPE and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Guatemala and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No

Country of dispatch: GUATEMALA

Competent authority: Dirección General de Servicios Pecuarios (DIGESEPE) del Ministerio de Agricultura, Ganadería y Alimentación

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
 - species (scientific name):
 - presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the DIGESEPE for export to the European Community:

.....
.....
.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:
.....
.....

Name of consignee and address at place of destination:
.....
.....

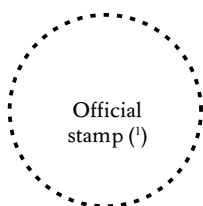
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught, and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 98/568/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

I. LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
PP013602	Industrias Marbella, SA	Villanueva-Guatemala
CC011201	Mayasal, SA	Guatemala ciudad
PE013601	Pescado de Tony	Villanueva-Guatemala
PC110703	Procesadora de Mariscos del Sur, Sociedad Anónima (Promasur, SA)	Retalhuleu
PD050901	Pesca, SA	Retalhuleu
CC-050903	Comarpa	Escuintla, Guatemala
PET-050901	Industria pesquera San Rafael SA	Escuintla, Guatemala
PE-050908	Inversiones El Puerto	Escuintla, Guatemala
PPM-012301	Comercial Pamypa	Santa Catarina, Pinula
PE-010101	HB Internacional Inversiones Marítimas Buena Vista	Puerto de San José, Escuintla
PE-010104	Pesquera Industrial SA	Puerto de San José, Escuintla

COMMISSION DECISION

of 6 October 1998

laying down special conditions governing imports of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia

(notified under document number C(1998) 2952)

(Text with EEA relevance)

(98/569/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Directive 97/79/EC⁽²⁾, and in particular Article 9 thereof,

Whereas a Commission expert has conducted an inspection visit to Tunisia to verify the conditions under which live bivalve molluscs, echinoderms, tunicates and marine gastropods are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Tunisia makes the 'Direction Générale de la Santé Animale (DGSA) du Ministère de l'Agriculture' responsible for inspecting the health of live bivalve molluscs, echinoderms, tunicates and marine gastropods and for monitoring the hygiene and sanitary conditions of production; whereas the same legislation empowers DGSA to authorise or prohibit the harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods from certain zones;

Whereas the DGSA and its laboratories are capable of effectively verifying the application of the laws in force in Tunisia;

Whereas the competent Tunisia authorities have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvesting areas;

Whereas the competent Tunisia authorities have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EEC and with requirements equivalent to those prescribed in that Directive for the classification of producing and relaying zones, approval of dispatch centres and public health control and production

monitoring; whereas in particular any possible change in harvesting zones will be communicated to the Community;

Whereas Tunisia is eligible for inclusion in the list of third countries fulfilling the conditions of equivalence referred to in Article 9(3)(a) of Directive 91/492/EEC;

Whereas the procedure for obtaining the health certificate referred to in Article 9(3)(b)(i) of Directive 91/492/EEC must include the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it and the health mark to be affixed to packaging;

Whereas, pursuant to Article 9(3)(b)(ii) of Directive 91/492/EEC, the production areas from which bivalve molluscs, echinoderms, tunicates and marine gastropods may be harvested and exported to the Community must be designated;

Whereas, pursuant to Article 9(3)(c) of Directive 91/492/EEC, a list of the establishments from which the import of bivalve molluscs, echinoderms, tunicates and marine gastropods is authorised should be established; whereas this list must be drawn up on the basis of a communication from the DGSA to the Commission; whereas it is therefore for the DGSA to ensure compliance with the provisions laid down to that end in Article 9(3)(c) of Directive 91/492/EEC;

Whereas the special import conditions apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture and products⁽³⁾, as last amended by Directive 97/79/EC;

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

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 1.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 46, 19. 2. 1991, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The 'Direction Générale de la Santé Animale (DGSA) du Ministère de l'Agriculture' shall be the competent authority in Tunisia for verifying and certifying compliance of live bivalve molluscs, echinoderms, tunicates and marine gastropods with the requirements of Directive 91/492/EEC.

Article 2

Live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia and intended for human consumption, must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. consignments must originate in the authorised production areas listed in Annex B hereto;
3. they must be packed in sealed packages by an approved dispatch centre included in the list in Annex C hereto;
4. each package must bear an indelible health mark containing at least the following information:

- country of dispatch: TUNISIA,
- the species (common and scientific names),
- the identification of the production area and the dispatch centre by their approval number,
- the date of packing, comprising at least the day and month.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DGSA and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

covering live bivalve molluscs ⁽¹⁾, echinoderms ⁽¹⁾, tunicates ⁽¹⁾, marine gastropods ⁽¹⁾ originating in Tunisia and intended for human consumption in the European Community

Reference No:

Country of dispatch: TUNISIA

Competent authority: 'Direction générale de la santé animale (DGSA) du ministère de l'agriculture'

I. Details identifying the fishery products

— Species (scientific name):

— Code number (where available):

— Type of packaging:

— Number of packages:

— Net weight:

— Analysis report number (where available):

II. Origin of products

— Authorised production area:

— Name and official approval number of dispatch centre:

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

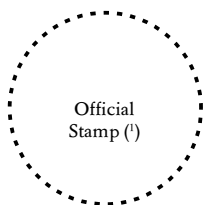
Name of consignee and address at place of destination:

⁽¹⁾ Delete where inapplicable.

IV. Health attestation

- The official inspector hereby certifies that the live products specified above:
1. were harvested, where necessary relayed, and transported in accordance with the health rules laid down in Chapters I, II and III of the Annex to Directive 91/492/EEC;
 2. were handled, where necessary purified, and packaged in compliance with the requirements laid down in Chapter IV of the Annex to Directive 91/492/EEC;
 3. have undergone health controls in accordance with Chapter VI of the Annex to Directive 91/492/EEC;
 4. are in compliance with Chapters V, VII, VIII, IX, and X of the Annex to Directive 91/492/EEC and therefore fit for immediate human consumption.
- The undersigned official inspector hereby declares that he is aware of the provisions of the Directive 91/492/EEC and Decision 98/569/EC.

Done at....., on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

*ANNEX B***PRODUCTION AREAS FULFILLING THE REQUIREMENTS LAID DOWN IN CHAPTER I(1)(b) OF THE ANNEX TO DIRECTIVE 91/492/EEC**

	Name
T 1	Lac de Tunis (Nord)
T 2	Canal de Tunis
B 1	Menzel Jemil
B 2	Faroua
S 1	Sfax Nord
S 2	Gargour
S 3	Guetifa
S 4	O. Maltine Nord
S 5	O. Maltine Sud
S 6	Skhira
G 1	Gabès Nord
G 2	Gabès Sud 1
G 3	Gabès Sud 2
M 1	Médenine Nord
M 2	Lagune Boughrara
M 3	Djerba Nord

*ANNEX C***LIST OF ESTABLISHMENTS APPROVED FOR EXPORT TO THE EUROPEAN COMMUNITY**

Number	Name	Address
P.U 200	M. A. Trad	Port de Zarzouna-Bizerte
P.U 300	Prince Export	Port Prince-Nabeul
P.U 306	Médipêche el ghoul	Sidi Daoud-Nabeul

COMMISSION DECISION

of 7 October 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Tunisia

(notified under document number C(1998) 2978)

(Text with EEA relevance)

(98/570/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by the Council Directive 97/79/EC⁽²⁾, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Tunisia to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Tunisia on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Tunisia the 'Direction générale de la santé animale (DGSA) du ministère de l'agriculture' is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC⁽³⁾ must be drawn up; whereas these lists must be drawn up on the basis of a communication from the DGSA to the Commission; whereas it is therefore for the DGSA to ensure compliance with the provisions laid

down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the DGSA has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;

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

The 'Direction générale de la santé animale (DGSA) du ministère de l'agriculture' shall be the competent authority in Tunisia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in Tunisia must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'TUNISIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 187, 7. 7. 1992, p. 41.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DGSA and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 7 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Tunisia and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: TUNISIA

Competent authority: Direction générale de la santé animale (DGSA) du ministère de l'agriculture

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
 - species (scientific name):
 - presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the DGSA for export to the European Community:

.....
.....
.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:
.....
.....

Name of consignee and address at place of destination:
.....
.....

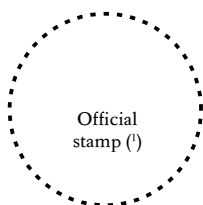
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught, and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 98/570/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

I. LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
1	Jerba Aquaculture Tunisie (JAT)	Médenine
3	Le Dauphin	Ajim-Jerba
10	Médigel	Médenine
12	S ^{té} Ben Kalia et Fils	Médenine
14	Cotuprom	Médenine
17	Coprod	Médenine
101	Médi-Pêche El Ghoul	Tunis
105	Mondher El Ghoul	Tunis
106	Kamexport	Tunis
107	Fishfarmer	Ariana
112	Équimar-Congélation	Tunis
116	S ^{té} Ben Hamida Aux Poissons Méditerranéens	Tunis
118	Maristar	Tunis
120 (Author- ised until 31. 12. 1998)	Marégel	Tunis
134	Méditerranéen Pesca	Tunis
201	Mohamed Aouadi	Bizerte
203	Jalta Export	Bizerte
204	Pêche Export	Bizerte
205	S ^{té} Trad des Produits de la Mer	Bizerte
207	S ^{té} El Bouhaira	Bizerte
208	Horchani Madrague	Bizerte
209	S ^{té} Mondher El Ghoul	Bizerte
210	Sitex	Bizerte
215	Sittep	Bizerte
221	STIC	Bizerte
303	La Prospère	Nabeul
310	Serimex Pêche	Nabeul
420	S ^{té} Calambo	Sfax
423	S ^{té} Mohamed Sallem et Fils	Sfax
426	Promebar	Sfax
427	Produits congelés du Bassin méditerranéen (PCBM)	Sfax
435	La Perle des Mers	Sfax
436	La Reine des Mers	Sfax
437	Somopêche	Sfax
438	Fish Tunisie	Sfax
439	Frigomar	Sfax
441	Socepa	Sfax
442	Fruitumer	Sfax
450	Impex Tunisie	Sfax
457	Medifish	Sfax

Number	Name	Address
461	Medifi	Sfax
465	S ^{te} Ali Mezghani	Sfax
501	Aquaculture Hergla	Sousse
602	Zagnani Hassen-La Bonté de la Mer	Monastir
603	Scala	Monastir
700	Bennour et C ^{ie} -Kuriat	Mahdia
751	Frimar	Mahdia
753	Congélation Ben Messaoud	Mahdia
754	Ben Hassen Abdeljelil Export	Mahdia
800	Poisson d'Or	Tabarka

II. LIST OF FREEZER VESSELS

Number	Name	Port
211	La Galite I	Bizerte
212	La Galite II	Bizerte
300	El Bahri Omar	Nabeul
308	Ibn Ziad	Nabeul
801	Navire-usine Dhaker	Jendouba

COMMISSION DECISION

of 12 October 1998

amending Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods

(notified under document number C(1998) 2967)

(Text with EEA relevance)

(98/571/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Directive 97/79/EC⁽²⁾, and in particular Article 9(3)(a) thereof,

Whereas Commission Decision 97/20/EC⁽³⁾ of 17 December 1996, last amended by Decision 97/565/EC⁽⁴⁾, establishes the list of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form are authorised for human consumption;

Whereas Commission Decision 98/569/EC⁽⁵⁾ lays down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Tunisia;

Whereas it is therefore necessary to add Tunisia on the list of third countries from which importation of bivalve

molluscs, echinoderms, tunicates and marine gastropods are authorized;

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

The Annex to Decision 97/20/EC is replaced by the Annex of the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 1.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 6, 10. 1. 1997, p. 46.

⁽⁴⁾ OJ L 232, 23. 8. 1997, p. 15.

⁽⁵⁾ See page 31 of this Official Journal.

*ANNEX***List of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form for human consumption are authorised***I. Third countries which have been the subject of a specific decision based on Council Directive 91/492/EEC*

Australia

Chile

Morocco

Peru

South Korea

Tunisia

Turkey

II. Third countries which may be the subject of a provisional decision based on Council Decision 95/408/EC

Canada

Faeroes

Greenland

New Zealand

Thailand (only for products sterilised or heat-treated under the conditions laid down in Commission Decision 93/25/EEC)

United States of America

COMMISSION DECISION

of 12 October 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Cuba

(notified under document number C(1998) 2970)

(Text with EEA relevance)

(98/572/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by the Council Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Cuba to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Cuba on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Cuba the 'Ministerio de la Industria Pesquera (MIP)' is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC ⁽³⁾ must be drawn up; whereas these lists must be drawn up on the basis of a communication from the MIP to the Commission; whereas it is therefore for the

MIP to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the MIP has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;

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

The 'Ministerio de la Industria Pesquera (MIP)' shall be the competent authority in Cuba for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in Cuba must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'CUBA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 187, 7. 7. 1992, p. 41.

Article 3

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the MIP and the latter's official stamp in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Cuba and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: CUBA

Competent authority: Ministerio de la Industria Pesquera (MIP)

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
 - species (scientific name):
 - presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the MIP for export to the European Community:

.....
.....
.....

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:
.....
.....

Name of consignee and address at place of destination:
.....
.....

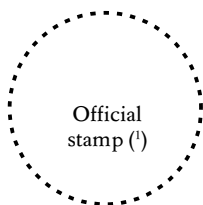
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught, and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 98/572/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

I. LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
22	Vivero de langosta viva 'Reina viva'	Marlei, La Habana
25	Centro de procesamiento acuícola 'Mamposton'	Morales, San José
05	Pesquera industrial 'Batabano'	La Habana
07	Pesquera industrial 'La Coloma'	La Coloma - Pinar del Río
06	Pesquera industrial 'Isla de la juventud'	Nueva Gerona - Isla de la Juventud
04	Pesquera industrial 'Cárdenas'	Cárdenas - Matanzas
08	Pesquera industrial 'Cienfuegos'	Cienfuegos
16	Pesquera industrial de Villa Clara 'Villamar'	Calbarién - Villa Clara
54	Pesquera industrial 'Sancti Spíritus'	Sancti Spíritus
56	Pesquera industrial de Camagüey 'Estrella Roja'	Camagüey
13	Pesquera industrial 'Santa Cruz del Sur'	Camagüey
24	Pesquera industrial 'Río Cauto'	Río Cauto - Granma
14	Pesquera industrial 'Manzanillo'	Manzanillo - Granma
15	Pesquera industrial 'Niquero'	Niquero - Granma
21	Pesquera industrial 'Santiago de Cuba'	Santiago de Cuba

COMMISSION DECISION

of 12 October 1998

**amending Decision 97/296/EC drawing up the list of third countries from which
the import of fishery products is authorised for human consumption***(notified under document number C(1998) 2971)***(Text with EEA relevance)**

(98/573/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995⁽¹⁾ on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as amended by Decision 97/34/EC⁽²⁾, and in particular Article 2(2) and Article 7 thereof,

Whereas Commission Decision 97/296/EC⁽³⁾, as amended by Decision 98/419/EC⁽⁴⁾, lists the third countries from which importation of fishery products for human consumption is authorised, part I of the list names the third countries covered by a specific Decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC;

Whereas Commission Decisions 98/568/EC⁽⁵⁾, 98/570/EC⁽⁶⁾ and 98/572/EC⁽⁷⁾, set specific import conditions for fishery and aquaculture products originating, respectively, in Guatemala, Tunisia and Cuba;

Whereas Guatemala, Tunisia and Cuba should therefore be added to part I of the list of Annex I of countries and territories from which importation of fishery products for human consumption is authorised;

Whereas Pakistan has shown that it satisfies the equivalent conditions referred to in Article 2(2) of Decision 95/408/EC;

Whereas it is therefore necessary to modify the list to include this country in the part II of the list of Annex I;

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

The Annex I to Decision 97/296/EC is replaced by the Annex of the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 122, 14. 5. 1997, p. 21.

⁽⁴⁾ OJ L 190, 4. 7. 1998, p. 55.

⁽⁵⁾ See page 26 of this Official Journal.

⁽⁶⁾ See page 36 of this Official Journal.

⁽⁷⁾ See page 44 of this Official Journal.

ANNEX

ANNEX I

List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised

I. Countries and territories covered by a specific decision under Council Directive 91/493/EC

ALBANIA	GHANA	PERU
ARGENTINA	GUATEMALA	PHILIPPINES
AUSTRALIA	INDIA	RUSSIA
BANGLADESH	INDONESIA	SENEGAL
BRAZIL	IVORY COAST	SINGAPORE
CANADA	JAPAN	SOUTH AFRICA
CHILE	MADAGASCAR	SOUTH KOREA
COLOMBIA	MALAYSIA	TAIWAN
CUBA	MALDIVES	TANZANIA
ECUADOR	MAURITANIA	THAILAND
FALKLAND ISLANDS	MOROCCO	TUNISIA
FAROEES	NEW ZEALAND	URUGUAY
GAMBIA	NIGERIA	

II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC

BELIZE	HUNGARY ⁽¹⁾	PANAMA
BENIN	ISRAEL	POLAND
CHINA	JAMAICA	SEYCHELLES
CAMEROON	KAZAKHSTAN ⁽²⁾	SLOVENIA
CAPE VERDE	LATVIA	SURINAME
COSTA RICA	LITHUANIA	SWITZERLAND
CROATIA	MALTA	TOGO
CZECH REPUBLIC	MAURITIUS	TURKEY
FIJI	MEXICO	UGANDA
GREENLAND	NAMIBIA	UNITED STATES OF AMERICA
GUINEA-CONAKRI	NICARAGUA	VENEZUELA
HONDURAS	PAKISTAN	VIETNAM
HONG KONG	PAPUA NEW GUINEA	

⁽¹⁾ Authorised only for import of live animals intended for human consumption.

⁽²⁾ Authorised only for import of caviar.