

Official Journal

of the European Communities

ISSN 0378-6978

L 325

Volume 41

3 December 1998

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC, ECSC, Euratom) No 2594/98 of 27 November 1998 amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the Communities** 1
- Commission Regulation (EC) No 2595/98 of 2 December 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables 3
- Commission Regulation (EC) No 2596/98 of 2 December 1998 altering the export refunds on white sugar and raw sugar exported in the natural state 5
- Commission Regulation (EC) No 2597/98 of 2 December 1998 fixing the representative prices and the additional import duties for molasses in the sugar sector 7
- Commission Regulation (EC) No 2598/98 of 2 December 1998 fixing the maximum export refund for white sugar for the 18th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98 9
- Commission Regulation (EC) No 2599/98 of 2 December 1998 amending Regulation (EC) No 2007/98 on a special intervention measure for cereals in Finland and Sweden 10
- Commission Regulation (EC) No 2600/98 of 2 December 1998 fixing the maximum export refunds for olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2269/98 11

Commission

98/689/EC:

Commission Decision of 19 November 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (*notified under document number C(1998) 3590*)..... 13

98/690/EC:

- * **Commission Decision of 20 November 1998 on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1998 (*notified under document number C(1998) 3561*)**..... 15

98/691/EC:

- * **Decision No 1/98 of the EC/EFTA Joint Committee on common transit of 23 November 1998 relating to the renewal of the ban on the use of the comprehensive guarantee, made by Decision Nos 1/96 and 2/96 of the Joint Committee**..... 22

Corrigenda

- * **Corrigendum to Commission Decision 98/568/EC of 6 October 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Guatemala (OJ L 277 of 14.10.1998)**..... 23

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, ECSC, EURATOM) No 2594/98**of 27 November 1998****amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the Communities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission presented after consulting the Staff Regulations Committee ⁽¹⁾,

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

Having regard to the opinion of the Court of Justice ⁽³⁾,

Having regard to the opinion of the Court of Auditors ⁽⁴⁾,

Whereas Regulation (ECSC, EEC, Euratom) No 2175/88 ⁽⁵⁾ provides for a weighting of 100 to be applied to payments made under the Community pension scheme and allowances paid pursuant to Article 50 of the Staff Regulations to recipients who have established their residence in a non-member country, and to family allowances paid for dependent children of officials or former officials to other persons residing in a non-member country;

Whereas, in its judgment of 14 December 1995 in Case T-285/94, the Court of First Instance found that Article 3 of the said Regulation was unlawful because it conflicted with the second and third subparagraphs of Article 82(1) of the Staff Regulations from which it could not depart by virtue of the principle of the hierarchy of norms;

Whereas the institutions are required to maintain equality of treatment in respect of their officials irrespective of the situations in which they are placed in accordance with the requirements of the service;

Whereas weightings are designed to correct salaries and emoluments in order to ensure that officials enjoy equiva-

lent purchasing power in the various countries where they are required to take up residence;

Whereas former officials and officials assigned non-active status, unlike serving officials, choose their place of residence exclusively on personal grounds;

Whereas the considerable differences between the situation of serving officials and that of former officials and officials assigned non-active status are justification for limiting the application of the weightings fixed for non-member countries to serving officials only;

Whereas these weightings are applied only to the remuneration of staff serving in non-member countries and cannot therefore be applied to the financial entitlements of persons residing in such countries who are not in active service;

Whereas the Staff Regulations of Officials laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽⁶⁾ and last amended by Regulation (EC, ECSC, Euratom) No 2458/98 ⁽⁷⁾ should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Staff Regulations of officials of the European Communities are hereby amended as follows:

1. the sixth and seventh subparagraphs of Article 41(3) shall be replaced by the following:

‘The allowance and the total remuneration last received, as referred to in the fourth subparagraph, shall be weighted at the rate fixed for the country inside the Communities where the recipient proves he has his residence.

⁽¹⁾ OJ C 266, 25. 8. 1998, p. 13.

⁽²⁾ OJ C 313, 12. 10. 1998.

⁽³⁾ Opinion delivered on 14 October 1998.

⁽⁴⁾ Opinion delivered on 23 September 1998.

⁽⁵⁾ OJ L 191, 22. 7. 1988, p. 1.

⁽⁶⁾ OJ L 56, 4. 3. 1968, p. 1.

⁽⁷⁾ OJ L 307, 17. 11. 1998, p. 1.

If the recipient establishes his residence in a country outside the Communities, the weighting shall be equal to 100.’;

2. the first subparagraph of Article 67(4) shall be replaced by the following:

‘Where, by virtue of Articles 1, 2 and 3 of Annex VII, such family allowances are paid to a person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second subparagraph of Article 63. They shall be subject to the weighting for the country in question if it is inside the Communities or to a weighting equal to 100 if the country of residence is outside the Communities.’;

3. the second and third subparagraphs of Article 82(1) shall be replaced by the following:

‘They shall be weighted at the rate fixed for the country inside the Communities where the recipient proves he has his residence.

If the recipient of a pension establishes his residence in a country outside the Communities, the weighting of 100 shall be applied.’

Article 2

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, 27 November 1998.

For the Council

The President

C. EINEM

COMMISSION REGULATION (EC) No 2595/98
of 2 December 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 3 December 1998.

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

Done at Brussels, 2 December 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 2 December 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	53,9
	999	53,9
0709 90 70	052	90,1
	204	87,4
	999	88,8
0805 10 10, 0805 10 30, 0805 10 50	052	51,1
	999	51,1
0805 20 10	204	61,5
	999	61,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	56,0
	464	232,7
	999	144,3
	052	57,9
0805 30 10	388	47,6
	524	37,2
	528	40,0
	600	85,3
	999	53,6
	052	94,1
0808 10 20, 0808 10 50, 0808 10 90	060	16,8
	064	36,0
	400	77,4
	404	54,5
	999	55,8
	052	85,4
0808 20 50	064	62,4
	400	93,4
	720	47,4
	999	72,2

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

COMMISSION REGULATION (EC) No 2596/98
of 2 December 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2524/98 ⁽³⁾, as amended by Regulation (EC) No 2569/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2524/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2524/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 December 1998.

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

Done at Brussels, 2 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 317, 26. 11. 1998, p. 5.

⁽⁴⁾ OJ L 322, 1. 12. 1998, p. 3.

ANNEX

to the Commission Regulation of 2 December 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	42,35 ⁽¹⁾
1701 11 90 9910	40,94 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	42,35 ⁽¹⁾
1701 12 90 9910	40,94 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4604
	— ECU/100 kg —
1701 99 10 9100	46,04
1701 99 10 9910	46,14
1701 99 10 9950	46,14
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4604

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

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

COMMISSION REGULATION (EC) No 2597/98

of 2 December 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1148/98⁽²⁾,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 December 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 2 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,31	0,24	—
1703 90 00 ⁽¹⁾	7,13	0,08	—

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

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

COMMISSION REGULATION (EC) No 2598/98
of 2 December 1998

fixing the maximum export refund for white sugar for the 18th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1574/98 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 18th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 18th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 49,240 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 December 1998.

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

Done at Brussels, 2 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 2599/98
of 2 December 1998
amending Regulation (EC) No 2007/98 on a special intervention measure for
cereals in Finland and Sweden

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⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾,

Whereas Commission Regulation (EC) No 2007/98⁽⁵⁾, as amended by Regulation (EC) No 2434/98⁽⁶⁾, opens an invitation to tender for the refund for the export of oats produced in Finland and Sweden to all third countries; whereas, in the present situation, it is appropriate to increase the quantity put up for tender;

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

Article 1(1) of Regulation (EC) No 2007/98 is hereby amended as follows:

‘1. A special intervention measure in the form of an export refund shall be implemented in respect of 450 000 tonnes of oats produced in Finland and Sweden and intended for export from Finland and Sweden to all third countries.

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

Article 2

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, 2 December 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 13.

⁽⁶⁾ OJ L 302, 12. 11. 1998, p. 30.

COMMISSION REGULATION (EC) No 2600/98
of 2 December 1998

**fixing the maximum export refunds for olive oil for the second partial invitation
to tender under the standing invitation to tender issued by Regulation (EC) No
2269/98**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2269/98⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2269/98 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2269/98 are hereby fixed in the Annex, on the basis of the tenders submitted by 22 November 1998.

Article 2

This Regulation shall enter into force on 3 December 1998.

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

Done at Brussels, 2 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 284, 22. 10. 1998, p. 25.

ANNEX

to the Commission Regulation of 2 December 1998 fixing the maximum export refunds for olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2269/98

(ECU/100 kg)

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 November 1998

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

(notified under document number C(1998) 3590)

(98/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 November 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for;

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

Whereas this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Directive 97/79/EC ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 November 1998 import licences for beef and veal products, expressed as deboned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

⁽¹⁾ OJ L 215, 1. 8. 1998, p. 12.

⁽²⁾ OJ L 250, 10. 9. 1998, p. 16.

⁽³⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽⁴⁾ OJ L 24, 30. 1. 1998, p. 31.

Germany

— 323,600 tonnes originating in Botswana;

United Kingdom

— 253,000 tonnes originating in Botswana,
— 300,000 tonnes originating in Zimbabwe,
— 620,000 tonnes originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of December 1998 for the following quantities of deboned beef and veal:

— Botswana:	7 084,400 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 214,000 tonnes,
— Zimbabwe:	3 156,000 tonnes,
— Namibia:	5 050,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 20 November 1998

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1998

(notified under document number C(1998) 3561)

(Only the Portuguese text is authentic)

(98/690/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 33(3) thereof,

Whereas Commission Decision 93/522/EEC ⁽³⁾, as amended by Decision 96/633/EC ⁽⁴⁾, defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas specific agricultural production conditions in Madeira call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region;

Whereas the action to be taken or reinforced on the phytosanitary side is particularly costly;

Whereas the programme of action is to be presented to the Commission by the relevant Portuguese authorities; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them;

Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded;

Whereas the plant protection operations in Madeira provided for in the operational programme and the Community initiative REGIS II for the period 1994 to

1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

Whereas the operations provided for in the European Community framework programme for research and technological development cannot be the same as those contained in this programme;

Whereas the measures foreseen in the environmental programme approved for the Region of Madeira in the framework of Council Regulation (EEC) No 2078/92 ⁽⁵⁾, as amended by Regulation (EC) No 2772/95 ⁽⁶⁾, cannot be the same as those contained in this programme;

Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Island of Madeira presented for 1998 by the relevant Portuguese authorities is hereby approved.

Article 2

The official programme is made up of two sub-programmes:

1. a sub-programme for the autocidal control of the fruit fly (*Ceratitis capitata* Wied);
2. a sub-programme for the control of the white citrus fly (*Aleurothrixus floccosus* Maskell).

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 251, 8. 10. 1993, p. 35.

⁽⁴⁾ OJ L 283, 5. 11. 1996, p. 58.

⁽⁵⁾ OJ L 215, 30. 7. 1992, p. 85.

⁽⁶⁾ OJ L 288, 1. 12. 1995, p. 35.

Article 3

The maximum Community financial contribution to the programme in 1998 shall be ECU 500 000 for expenditure related to eligible measures as defined by Decision 93/522/EEC out of a total expenditure of ECU 666 667 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision. In the case where the total eligible expenditure for 1998 presented by Portugal would be less than the forecast amount of ECU 666 667, the Community's contribution would be reduced in proportion.

The Community reimbursement will be made in accordance with the provisions of the first paragraph of this Article and the financial rate of the ecu on 1 April 1998, i.e. ECU 1 = PTE 203,243.

Article 4

A first instalment of ECU 250 000 shall be paid to Portugal immediately after the official notification of the present Decision.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 December 1997 and 31 December 1998. The final date for payments in connection with the operations

shall be 31 March 1999, and non-compliance without justification of delay shall entail loss of entitlement to Community financing.

In the case where a request for extension of the final date for payment is necessary, the responsible official authorities have to introduce this request before the final date and present the justification concerning this request.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by Portugal are set out in Annex II.

Article 7

Any public contracts in connection with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 20 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1998

(in ECU)(⁽¹⁾)

	Eligible expenditure 1998		
	EC	Madeira	Total
<i>Ceratitis capitata</i>	471 328	157 109	628 437
<i>Aleurothrixus floccosus</i>	28 672	9 558	38 230
Total	500 000	166 667	666 667

(⁽¹⁾) ECU 1 = PTE 203,243 (1 April 1998).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community, all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under procedure 16a(a) of Council Directive 77/93/EEC⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾.
5. The first instalment of ECU 250 000 shall be paid to Portugal immediately after the official notification of the present Decision.
6. The balance of the amount committed of ECU 250 000 is paid on presentation to the Commission the final activity report and the detailed total expenditure incurred and after it has been approved by the Commission.

Authorities responsible for the implementation of the programme

— Central administration:

Direcção-Geral de Protecção das Culturas
Quinta do Marquês
P-2780 Oeiras

— Local administration:

Região Autónoma da Madeira
Secretaria Regional da Agricultura, Florestas e Pescas
Direcção Regional da Agricultura
Av. Arriaga, 21 A
Edifício Golden Gate, 4º piso
P-9000 Funchal

7. The actual expenditure incurred shall be notified to the Community broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerised accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecu.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecu at the rate fixed by this Decision. Payment shall be made to the following account:

Banco de Fomento Exterior
Nº de conta 70/30/005156/0
NIB 000900700.00.0005156002
Titular: Governo da Região Autónoma da Madeira
Endereço: Av. de Zarco
P-9000 Funchal

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*I. Monitoring Committee***1. Establishment**

Independent of the financing of this action, a monitoring committee for the programme shall be set up by Portugal and the Commission. It shall regularly review implementation of the programme and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to Portugal.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 1.5 % of the Community contribution to a subprogramme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the operational programme,
- shall give its opinion on draft final reports,
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realisation.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission before 31 March 1999 and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after this date.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicised.

It shall in particular take action to:

- make potential recipients and professional organisations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) *General information*

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ C 22, 28. 1. 1989, p. 3).

**DECISION No 1/98 OF THE EC/EFTA JOINT COMMITTEE ON
COMMON TRANSIT**

of 23 November 1998

**relating to the renewal of the ban on the use of the comprehensive guarantee,
made by Decision Nos 1/96 and 2/96 of the Joint Committee**

(98/691/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 34b of Appendix II thereto ⁽²⁾,

Whereas by Decision Nos 1/96 ⁽³⁾ and 2/96 ⁽⁴⁾, as amended and last renewed by Decision Nos 1/97 ⁽⁵⁾ and 5/97 ⁽⁶⁾, the Joint Committee has adopted measures to temporarily forbid the use of the comprehensive guarantee for the transport of cigarettes of subheading 24 02.20 of the Harmonised System and for certain other sensitive goods, because of the exceptional risk of fraud affecting those operations;

Whereas the protection of the financial interests at risk in those operations makes it necessary to maintain the same measures for common transit as for Community transit in order to ensure maximum effectiveness;

Whereas the Joint Committee considers it necessary to renew the ban in question for a period of 12 months,

HAS DECIDED AS FOLLOWS:

Article 1

The measures taken by Decision Nos 1/96 and 2/96 of the EC/EFTA Joint Committee on common transit are renewed for a period of 12 months.

Article 2

This Decision shall enter into force on 1 January 1999.

Done at Brussels, 23 November 1998.

For the Joint Committee

The Chairman

Michel VANDEN ABEELE

⁽¹⁾ OJ L 226, 13. 8. 1987, p. 2.

⁽²⁾ OJ L 238, 29. 8. 1997, p. 27.

⁽³⁾ OJ L 226, 7. 9. 1996, p. 20.

⁽⁴⁾ OJ L 226, 7. 9. 1996, p. 22.

⁽⁵⁾ OJ L 186, 16. 7. 1997, p. 27.

⁽⁶⁾ OJ L 5, 9. 1. 1998, p. 36.

CORRIGENDA

Corrigendum to Commission Decision 98/568/EC of 6 October 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Guatemala

(Official Journal of the European Communities L 277 of 14 October 1998)

On page 30, in Annex B, the following entry shall be inserted in the penultimate position:

'PE-051001

| Delimar SA

| Puerto de San José,
Escuintla'
