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## Legislation

Contents

### I Acts whose publication is obligatory

- \* **Decision No 576/98/EC of the European Parliament and of the Council of 23 February 1998 amending Decision No 819/95/EC establishing the Community action programme Socrates** ..... 1
- \* **Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community**..... 3
- Commission Regulation (EC) No 578/98 of 13 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 8
- Commission Regulation (EC) No 579/98 of 13 March 1998 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2097/97 10
- Commission Regulation (EC) No 580/98 of 13 March 1998 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain rice issued in Regulation (EC) No 2098/97 11
- Commission Regulation (EC) No 581/98 of 13 March 1998 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium grain and long grain A rice issued in Regulation (EC) No 2095/97 ..... 12
- Commission Regulation (EC) No 582/98 of 13 March 1998 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium grain and long grain A rice issued in Regulation (EC) No 2096/97 ..... 13
- \* **Commission Regulation (EC) No 583/98 of 13 March 1998 amending Regulation (EEC) No 2641/88 laying down detailed rules for the application of the aid scheme for the use of grapes, grape must and concentrated grape must to produce grape juice** ..... 14

2

(Continued overleaf)

**EN**

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 584/98 of 13 March 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the fifth individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 .....	17
Commission Regulation (EC) No 585/98 of 13 March 1998 concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2094/97 .....	19
Commission Regulation (EC) No 586/98 of 13 March 1998 fixing the maximum buying-in price and the quantities of beef to be bought in under the 199th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89 .....	20
Commission Regulation (EC) No 587/98 of 13 March 1998 temporarily suspending the issuing of export licences for certain milk products .....	22
Commission Regulation (EC) No 588/98 of 13 March 1998 altering the export refunds on cereals and on wheat or rye flour, groats and meal .....	24
Commission Regulation (EC) No 589/98 of 13 March 1998 fixing the agricultural conversion rates .....	26
Commission Regulation (EC) No 590/98 of 13 March 1998 fixing the import duties in the cereals sector .....	28
Commission Regulation (EC) No 591/98 of 13 March 1998 on the issuing of A1 export licences for fruit and vegetables .....	31
Commission Regulation (EC) No 592/98 of 13 March 1998 on the issuing of A1 export licences for fruit and vegetables .....	32
Commission Regulation (EC) No 593/98 of 13 March 1998 altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty .....	33
* <b>Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained</b> .....	36
* <b>Twenty-second Commission Directive 98/16/EC of 5 March 1998 adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup></b> .....	44

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II *Acts whose publication is not obligatory*

**Commission**

98/202/EC:

- \* **Commission Decision of 27 February 1998 to authorise Italy to apply the requirements of section A of Article 4 of Council Directive 64/433/EEC to certain slaughterhouses which handle not more than 2 000 livestock units per year <sup>(1)</sup>** .....

98/203/EC:

- \* **Commission Decision of 3 March 1998 amending Decision 97/660/EC adopting the plan allocating to the Member States resources to be charged to the 1998 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community** .....




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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**DECISION No 576/98/EC OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL  
of 23 February 1998  
amending Decision No 819/95/EC establishing the Community action  
programme Socrates**

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 126 and 127 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 189b of the Treaty <sup>(4)</sup>, in the light of the joint text approved on 14 January 1998,

- (1) Whereas Decision No 819/95/EC of the European Parliament and of the Council of 14 March 1995 <sup>(5)</sup> establishes the Community action programme Socrates;
- (2) Whereas Article 7 of that Decision provides for a financial framework for the implementation of the programme during the period 1 January 1995 to 31 December 1999;
- (3) Whereas the Joint Statement <sup>(6)</sup> by the European Parliament, the Council and the Commission concerning the Decision No 819/95/EC provides that, two years after the launching of the programme, the European Parliament and the

Council will assess the results achieved by the programme, and that to this end the Commission will submit to them a report accompanied by any proposals which it considers appropriate, including any concerning the funding set by the legislator within the meaning of the Joint Declaration of 6 March 1995 <sup>(7)</sup>, and that the European Parliament and the Council will act on those proposals at the earliest opportunity;

- (4) Whereas the European Parliament called for an increase in the allocation for the programme in its Resolution on the Commission White Paper on Education and Training — 'Teaching and learning — towards the learning society' and its Resolution on the Commission Green Paper on 'Education — training — research — the obstacles to transnational mobility'; whereas, in its resolution on the guidelines for the 1998 budgetary procedure, it included encouragement for youth and education programmes among its priorities;
- (5) Whereas the report submitted by the Commission pursuant to the abovementioned Joint Statement has set out the outstanding results achieved by the programme during the first two years following its adoption;
- (6) Whereas the programme has been particularly well received in the educational community and whereas there is a need to maintain its forward momentum towards achieving its objectives;
- (7) Whereas the demand for support is already many times higher than the available resources and is continuing to rise;

<sup>(1)</sup> OJ C 113, 11. 4. 1997, p. 14, and OJ C 262, 28. 8. 1997, p. 3.

<sup>(2)</sup> Opinion delivered on 28 May 1997 (OJ 287, 22. 9. 1997, p. 23).

<sup>(3)</sup> Opinion delivered on 18 September 1997 (OJ C 379, 15. 12. 1997, p. 17).

<sup>(4)</sup> Opinion of the European Parliament of 12 June 1997 (OJ 200, 30. 6. 1997, p. 136), Council Common position of 22 September 1997 (OJ C 315, 16. 10. 1997, p. 1) and Decision of the European Parliament of 23 October 1997 (not yet published in the Official Journal). Decision of the European Parliament of 29 January 1998 and Decision of the Council of 12 February 1998.

<sup>(5)</sup> OJ L 87, 20. 4. 1995, p. 10.

<sup>(6)</sup> OJ L 132, 16. 6. 1995, p. 18.

<sup>(7)</sup> Declaration by the European Parliament, the Council and the Commission of 6 March 1995 on the incorporation of financial provisions into legislative acts (OJ C 102, 4. 4. 1996, p. 4).

- (8) Whereas the impact of the programme would be affected both if the percentage of projects supported were to be reduced and if the annual average amount of support granted to projects fell below a critical threshold, which would mainly disadvantage those from less favoured backgrounds; whereas there is therefore a need to ensure that a critical mass of funding is maintained;
- (9) Whereas there is a need to provide continuity of support for projects during the developmental phase, while nonetheless reserving sufficient funds to support new projects and activities, thereby safeguarding the programme's potential for contributing to innovation;
- (10) Whereas, without prejudice to the procedures to be completed for the participation of Malta, it is envisaged that the associated countries of Central and Eastern Europe and Cyprus should be able to participate in the programme from 1998 onwards; whereas their financial contribution could call for an appropriate contribution by the Community in order to ensure reciprocal mobility in line with the Community's political objective;
- (11) Whereas there is a need to adjust the financial framework for the programme in order to maintain the programme's capacity to fulfil the objectives set out in the Decision establishing the programme;
- (12) Whereas additional funding is incorporated within the overall allocation for heading 3 of the financial perspective and within the limits of the appropriations available during the two financial years concerned,

HAVE DECIDED AS FOLLOWS:

*Article 1*

Article 7(1) of Decision No 819/95/EC shall be replaced by the following:

'1. The financial framework for implementation of this programme for the period referred to in Article 1 shall be ECU 920 million.'

*Article 2*

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

Done at Brussels, 23 February 1998.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

R. COOK

**COUNCIL REGULATION (EC) No 577/98**

of 9 March 1998

**on the organisation of a labour force sample survey in the Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the draft Regulation presented by the Commission,

Whereas, in order to carry out the tasks assigned to it, the Commission needs comparable statistical information on the level and pattern of and trends in employment and unemployment in the Member States;

Whereas the best method of obtaining such information at Community level is to conduct harmonised labour force surveys;

Whereas Council Regulation (EEC) No 3711/91 of 16 December 1991 on the organisation of an annual labour force sample survey in the Community<sup>(1)</sup> laid down that, starting in 1992, a survey was to be conducted in the spring of each year;

Whereas, although a continuous survey is preferable to an annual spring survey for ensuring the availability and harmonisation of data and measuring the volume of work, it is difficult to implement a continuous survey on the same dates in all the Member States;

Whereas the use of existing administrative sources should be encouraged insofar as they can usefully supplement the information obtained through interviews or serve as a sampling basis;

Whereas the data in the survey, as fixed by this Regulation, may be extended to include a further set of variables forming part of a programme of *ad hoc* modules which covers several years, and which will be drawn up under an appropriate procedure as part of the implementation arrangements;

Whereas the principles of relevance and cost-effectiveness, as these are defined in Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics<sup>(2)</sup>, which constitutes the legislative framework for the production of Community statistics, will also apply to this Regulation;

Whereas statistical confidentiality is governed by the rules set out in Regulation (EC) No 322/97 and in Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confiden-

tiality to the Statistical Office of the European Communities<sup>(3)</sup>;

Whereas the Statistical Programme Committee established by Decision 89/382/EEC, Euratom<sup>(4)</sup> has been consulted by the Commission in accordance with Article 3 of the aforesaid Decision,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Frequency of the survey**

A labour force sample survey, hereinafter referred to as 'the survey', shall be conducted by the Member States each year.

The survey is a continuous survey providing quarterly and annual results; however, those Member States which are not in a position to implement a continuous survey may carry out an annual survey only, to take place in the spring.

The information collected during the survey relates generally to the situation during the course of the week (taken to run from Monday to Sunday) preceding the interview, known as the reference week.

In the case of a continuous survey:

- the reference weeks are spread uniformly throughout the whole year;
- the interview normally takes place during the week immediately following the reference week. The reference week and the date of the interview may not be more than five weeks apart, except in the third quarter,
- the reference quarters and years are respectively groups of 13 or 52 consecutive weeks. A list of the weeks making up a given quarter or year is drawn up according to the procedure laid down in Article 8.

*Article 2*

**Units and scope of the survey, observation methods**

1. The survey shall be carried out in each Member State in a sample of households or of persons residing in the economic territory of that State at the time of the survey.

<sup>(1)</sup> OJ L 351, 20. 12. 1991, p. 1.

<sup>(2)</sup> OJ L 52, 22. 2. 1997, p. 1.

<sup>(3)</sup> OJ L 151, 15. 6. 1990, p. 1. Regulation as amended by Regulation (EC) No 322/97.

<sup>(4)</sup> OJ L 181, 28. 6. 1989, p. 47.

2. The principal scope of the survey consists of persons residing in private households on the economic territory of each Member State. If possible, this main population of persons living in private households, is supplemented by persons living in collective households.

Wherever possible, collective households are covered by means of samples specially drawn to permit direct observation of the persons concerned. If this is not possible, then persons in these groups who continue to have an association with a private household are included in connection with that household.

3. The variables used to determine labour status and underemployment must be obtained by interviewing the person concerned, or, if this is not possible, another member of the household. Other information may be obtained from alternative sources, including administrative records, provided that the data obtained are of equivalent quality.

4. Regardless of whether the sampling unit is an individual or a household, information is usually collected for all individuals of the household. However, if the sampling unit is an individual, the information concerning the other members of the household

— may exclude the characteristics listed under Article 4(1)(g), (h), (i) and (j),

— and may be collected from a sub-sample defined in such a way that:

- the reference weeks are uniformly distributed throughout the whole year,
- the number of observations (individuals sampled plus the members of their household) satisfies, for the annual estimates of levels, the reliability criteria defined in Article 3.

### Article 3

#### Representativeness of the sample

1. For a group of unemployed people representing 5 % of the working age population the relative standard error for the estimation of annual averages (or for the spring estimates in the case of an annual survey in the spring) at NUTS II level shall not exceed 8 % of the sub-population in question.

Regions with less than 300 000 inhabitants shall be exempt from this requirement.

2. In the case of a continuous survey, for sub-populations which constitute 5 % of the working age population the relative standard error at national level for the estimate of changes between two successive quarters, shall not exceed 2 % of the sub-population in question.

For Member States with a population of between one million and twenty million inhabitants, this requirement is relaxed so that the relative standard error for the es-

timate of quarterly changes shall not exceed 3 % of the sub-population in question.

Member States whose population is below one million inhabitants are exempt from these precision requirements concerning changes.

3. Where the survey is carried out only in the spring, at least a quarter of the survey units are taken from the preceding survey and at least a quarter form part of the following survey.

These two groups shall be identified by a code.

4. Where non-response to certain questions results in missing data, a method of statistical imputation shall be applied where appropriate.

5. The weighting factors are calculated taking into account in particular the probability of selection and external data relating to the distribution of the population being surveyed, by sex, age (five-year age groups) and region (NUTS II level), where such external data are held to be sufficiently reliable by the Member States concerned.

6. Member States shall provide the Commission (Eurostat) with whatever information is required concerning the organisation and methodology of the survey, and in particular, they shall indicate the criteria adopted for the design and size of the sample.

### Article 4

#### Survey characteristics

1. Data shall be provided on:

(a) demographic background:

- sequence number in the household,
- sex,
- year of birth,
- date of birth in relation to the end of the reference period,
- marital status,
- relationship to reference person,
- sequence number of spouse,
- sequence number of father,
- sequence number of mother,
- nationality,
- number of years of residence in the Member State,
- country of birth (optional),
- nature of participation in the survey (direct participation or proxy through another member of the household);

- (b) labour status:
- labour status during the reference week,
  - reason for not having worked though having a job,
  - search for employment for person without employment,
  - type of employment sought (self-employed or employee),
  - methods used to find a job,
  - availability to start work;
- (c) employment characteristics of the main job:
- professional status,
  - economic activity of local unit,
  - occupation,
  - number of persons working at the local unit,
  - country of place of work,
  - region of place of work,
  - year and month when the person started working in current employment,
  - permanency of the job (and reasons),
  - duration of temporary job or work contract of limited duration,
  - full-time/part-time distinction (and reasons),
  - working at home;
- (d) hours worked:
- number of hours per week usually worked,
  - number of hours actually worked,
  - main reason for hours actually worked being different from person's usual hours;
- (e) second job:
- existence of more than one job,
  - professional status,
  - economic activity of the local unit,
  - number of hours actually worked;
- (f) visible underemployment:
- wish to work usually more than the current number of hours (optional in the case of an annual survey),
  - looking for another job and reasons for doing so,
  - type of employment sought (as employee or otherwise),
  - methods used to find another job,
  - reasons why the person is not seeking another job (optional in the case of an annual survey),
- availability to start work,
  - number of hours of work wished for (optional in the case of an annual survey);
- (g) search for employment:
- type of employment sought (full-time or part-time),
  - duration of search for employment,
  - situation of person immediately before starting to seek employment,
  - registration at public employment office and whether receiving benefits,
  - willingness to work for person not seeking employment,
  - reasons why person has not sought work;
- (h) education and training
- participation in education or training during previous four weeks:
- purpose,
  - level,
  - type,
  - total length,
  - total number of hours,
  - highest successfully completed level of education or training,
  - year when this highest level was successfully completed,
  - non-tertiary vocational qualification obtained;
- (i) previous work experience of person not in employment:
- existence of previous employment experience,
  - year and month in which the person last worked,
  - main reason for leaving last job or business,
  - professional status in last job,
  - economic activity of local unit in which person last worked,
  - occupation of last job;
- (j) situation one year before the survey (optional for quarters 1, 3, 4)
- main labour status,
  - professional status,
  - economic activity of local unit in which person was working,
  - country of residence,
  - region of residence;
- (k) main labour status (optional);
- (l) income (optional);

## (m) technical items relating to the interview

- year of survey,
- reference week,
- interview week,
- Member State,
- region of household,
- degree of urbanisation,
- serial number of household,
- type of household,
- type of institution,
- weighting factor,
- sub-sample in relation to the preceding survey (annual survey),
- sub-sample in relation to the following survey (annual survey),
- sequence number of the survey wave.

2. A further set of variables, hereinafter referred to as an 'ad hoc module', may be added to supplement the information described above in paragraph 1.

A programme of *ad hoc* modules covering several years shall be drawn up each year according to the procedure laid down in Article 8:

- this programme shall specify for each *ad hoc* module, the subject, the reference period, the sample size (equal to or less than the sample size determined according to Article 3) and the deadline for the transmission of the results (which may be different from the deadline according to Article 6),
- the Member States and regions covered and the detailed list of information to be collected in an *ad hoc* module shall be drawn up at least twelve months before the beginning of the reference period for that module,
- the volume of an *ad hoc* module shall not exceed the volume of the module c described under paragraph 1.

3. The definitions, the edits to be used, the codification of the variables, the adjustment of the list of survey variables made necessary by the evolution of techniques and concepts, and a list of principles for the formulation of the questions concerning the labour status, are drawn up according to the procedure laid down in Article 8.

*Article 5***Conduct of the survey**

The Member States may make it compulsory to reply to the survey.

*Article 6***Transmission of the results**

Within twelve weeks of the end of the reference period in the case of a continuous survey (and within nine months of the end of the reference period in the case of a survey

in the spring), the Member States shall forward to Eurostat the results of the survey, without direct identifiers.

*Article 7***Reports**

A report on the implementation of this Regulation shall be submitted by the Commission to the Parliament and the Council every three years, beginning in the year 2000. This report shall evaluate in particular the quality of the statistical methods envisaged by the Member States to improve the results or to lighten the survey procedures.

*Article 8***Procedure**

The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as 'the Committee'.

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.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

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***Arrangements for repealing**

Regulation (EEC) No 3711/91 is hereby repealed.

*Article 10***Entry into force**

This Regulation shall enter into force on the day following that 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, 9 March 1998.

*For the Council*  
*The President*  
G. BROWN

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**COMMISSION REGULATION (EC) No 578/98**  
**of 13 March 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.  
<sup>(2)</sup> OJ L 325, 14. 12. 1996, p. 5.  
<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.  
<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

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

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 00	204	82,7	0808 10 20, 0808 10 50, 0808 10 90	600	80,0
	212	108,9		999	79,7
	624	166,2		052	44,9
	999	119,3		060	41,4
0707 00 05	052	139,4		388	125,7
	999	139,4		400	108,8
0709 10 00	220	166,5		404	102,2
	999	166,5		508	98,1
0709 90 70	052	121,2		512	91,6
	204	102,9		524	97,0
	999	112,0	528	99,6	
0805 10 10, 0805 10 30, 0805 10 50	052	59,6	720	139,0	
	204	37,3	999	94,8	
	212	43,2	052	137,8	
	600	61,9	388	71,7	
	624	50,4	400	98,6	
	999	50,5	512	70,2	
0805 30 10	999	50,5	528	76,8	
	052	79,4	999	91,0	
			0808 20 50		

(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 579/98**  
of 13 March 1998

**concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2097/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(1)</sup>, as amended by Regulation (EC) No 192/98<sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2097/97<sup>(3)</sup>;

Whereas Article 5 of Commission Regulation (EEC) No 584/75<sup>(4)</sup>, as last amended by Regulation (EC) No 299/95<sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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*

No action shall be taken on the tenders submitted from 9 to 12 March 1998 in response to the invitation to tender for the export refund on wholly milled long grain rice falling within CN code 1006 30 67 to certain third countries issued in Regulation (EC) No 2097/97.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.

<sup>(3)</sup> OJ L 292, 25. 10. 1997, p. 22.

<sup>(4)</sup> OJ L 61, 7. 3. 1975, p. 25.

<sup>(5)</sup> OJ L 35, 15. 2. 1995, p. 8.

**COMMISSION REGULATION (EC) No 580/98**

of 13 March 1998

**concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain rice issued in Regulation (EC) No 2098/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(1)</sup>, as amended by Regulation (EC) No 192/98<sup>(2)</sup>, and in particular Article 13 (3) thereof,Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2098/97<sup>(3)</sup>;Whereas Article 5 of Commission Regulation (EEC) No 584/75<sup>(4)</sup>, as last amended by Regulation (EC) No 299/95<sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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*

No action shall be taken on the tenders submitted from 9 to 12 March 1998 in response to the invitation to tender for the export refund on wholly milled round grain rice to certain third countries issued in Regulation (EC) No 2098/97.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.<sup>(3)</sup> OJ L 292, 25. 10. 1997, p. 25.<sup>(4)</sup> OJ L 61, 7. 3. 1975, p. 25.<sup>(5)</sup> OJ L 35, 15. 2. 1995, p. 8.

**COMMISSION REGULATION (EC) No 581/98**  
**of 13 March 1998**

**concerning tenders submitted in response to the invitation to tender for the  
export to certain third countries of wholly milled medium grain and long grain  
A rice issued in Regulation (EC) No 2095/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(1)</sup>, as amended by Regulation (EC) No 192/98<sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2095/97<sup>(3)</sup>;

Whereas Article 5 of Commission Regulation (EEC) No 584/75<sup>(4)</sup>, as last amended by Regulation (EC) No 299/95<sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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*

No action shall be taken on the tenders submitted from 9 March to 12 March 1998 in response to the invitation to tender for the export refund on wholly milled medium grain and long grain A rice to certain third countries issued in Regulation (EC) No 2095/97.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.

<sup>(3)</sup> OJ L 292, 25. 10. 1997, p. 16.

<sup>(4)</sup> OJ L 61, 7. 3. 1975, p. 25.

<sup>(5)</sup> OJ L 35, 15. 2. 1995, p. 8.

**COMMISSION REGULATION (EC) No 582/98**

of 13 March 1998

**concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled medium grain and long grain A rice issued in Regulation (EC) No 2096/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(1)</sup>, as amended by Regulation (EC) No 192/98<sup>(2)</sup>, and in particular Article 13 (3) thereof,Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2096/97<sup>(3)</sup>;Whereas Article 5 of Commission Regulation (EEC) No 584/75<sup>(4)</sup>, as last amended by Regulation (EC) No 299/95<sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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*

No action shall be taken on the tenders submitted from 9 to 12 March 1998 in response to the invitation to tender for the export refund on wholly milled medium grain and long grain A rice to certain third countries issued in Regulation (EC) No 2096/97.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.<sup>(3)</sup> OJ L 292, 25. 10. 1997, p. 19.<sup>(4)</sup> OJ L 61, 7. 3. 1975, p. 25.<sup>(5)</sup> OJ L 35, 15. 2. 1995, p. 8.

**COMMISSION REGULATION (EC) No 583/98****of 13 March 1998****amending Regulation (EEC) No 2641/88 laying down detailed rules for the application of the aid scheme for the use of grapes, grape must and concentrated grape must to produce grape juice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 2087/97 <sup>(2)</sup>, and in particular Article 46(5) thereof,

Whereas Commission Regulation (EEC) No 2641/88 <sup>(3)</sup>, as last amended by Regulation (EC) No 2122/95 <sup>(4)</sup>, lays down detailed rules for the application of the aid scheme for the use of grape must to produce grape juice; whereas pursuant to that Regulation the product eligible for the payment of the aid is grape juice intended for direct human consumption; whereas that grape juice may be mixed with other products before packaging; whereas experience has shown that the products obtained by such mixing in which grape juice is used as the basic product should be specified; whereas the category of products in which grape juice, whether or not concentrated, is used as such may include only non-alcoholic drinks;

Whereas eligibility for aid is conditional on submission of a written statement by the processor concerning the work which he will undertake to produce grape juice; whereas that requirement is necessary to ensure the proper operation of the aid scheme and checks; whereas, in order to avoid administrative management which is excessively burdensome both for the processors and for the administration, that prior written statement should not be required from processors using a limited quantity of grapes or grape must each year; whereas that quantity should be laid down; whereas the processors in question should nevertheless inform the responsible authorities of their Member State, at the beginning of the marketing year, of their intention to process a certain quantity of grapes or grape must;

Whereas Articles 6, 7 and 11 of that Regulation refer to the 'bottler'; whereas current practice in trade in grape juice shows that the product is also sold to intermediary firms who store it before selling it to bottlers; whereas

there are also firms which purchase the juices from processors to mix them with other juices or other products to manufacture non-alcoholic drinks; whereas that situation should be taken into account and provision made for such operators by using the term 'user' and defining it;

Whereas, in cases where the processor is not himself the user of the product in question, it is not always clear to the checking authorities, particularly when they are located in a Member State other than that of the processor, whether the product is grape must which has not yet benefited from aid pursuant to this Regulation or grape juice in respect of which aid has already been applied for; whereas there should be provision for the document accompanying transport of the product in question to show whether an application for aid has been made;

Whereas checks should be carried out on the prepared grape juices up to the bottling stage; whereas, in cases where these juices are mixed with other products, the checks may be carried out at the mixing stage only, when it is clear that there is no further possibility of the products being used for wine-making; whereas provision should be made for an appropriate procedure for ensuring that such a mixture exists; whereas, where the grape juice is consigned to a storage firm, check should be carried out to ensure that it is then sent to a bottler or a manufacturer of non-alcoholic drinks;

Whereas Article 9(1) of Regulation (EEC) No 2641/88 provides for payment of the aid no later than three months after receipt of all the supporting documents; whereas an administrative enquiry may be opened into entitlement to the aid; whereas in that case payment may not be made until entitlement to the aid has been recognised; whereas the Regulation should be supplemented accordingly;

Whereas this Regulation should apply to all operators who so request in respect of applications for aid and/or consignments of grape juice to bottling plants, manufacturers of products based on grape juice as defined in this Regulation, and storage facilities, relating to the recent past; whereas that period may concern only applications for aid submitted and/or consignments dispatched from the date when the questions underlying the amendments in this Regulation were raised;

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ L 292, 25. 10. 1997, p. 1.

<sup>(3)</sup> OJ L 236, 26. 8. 1988, p. 25.

<sup>(4)</sup> OJ L 212, 7. 9. 1995, p. 7.



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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2641/88 is amended as follows:

1. the following paragraphs 3a and 3b are inserted in Article 1:

‘3a. For the purposes of this Regulation, “mixed with other products” means the mixture of grape juice, whether or not concentrated and before being bottled, packed or packaged, with other juices falling within CN code 2009 to make juice mixtures and/or the mixture of grape juice with other products such as water, sugar or flavourings in order to manufacture non-alcoholic drinks, products to serve as a base for such drinks or concentrated non-alcoholic drinks in the form of syrups. “Non-alcoholic drink” means any drink with an actual alcoholic strength of not more than 1,2 % vol.

3b. For the purposes of this Regulation, “user” means any operator other than the grape-juice processor who carries out one of the following operations; bottling, packing or packaging, storage for sale to one or more firms carrying out these operations or those that follow, or preparing, by mixture with other products, non-alcoholic drinks or products to serve as a base for the preparation of such drinks’;

2. the following paragraph 4 is inserted in Article 2:

‘4. Processors who use in each marketing year no more than 50 tonnes of grapes, 800 hl of grape must or 150 hl of concentrated grape must to prepare grape juice are not required to make the statements referred to in paragraphs 1 and 2. At the beginning of the marketing year, they shall submit to the responsible bodies a statement containing the following information:

- (a) the name or business name and address of the processor;
- (b) the following technical information:
  - the type of raw materials (grapes, grape must or concentrated grape must),
  - the place of storage of the raw materials intended for processing,
  - the place where processing is to be carried out,
  - the planned date of commencement and the duration of the processing operations.’;

3. in Article 6(1) and the fourth and fifth indents of Article 11(2), ‘bottler’ is replaced by ‘user’;

4. the first and second indents of Article 6(1) are replaced by the following:

- the unpackaged quantities of grape juice entering his premises each day, together with the name and address of the consignor or processor,
- the unpackaged quantities of grape juice leaving his premises each day, together with the name and address of the consignee,
- the quantities of grape juice and/or grape juice mixed with other products packaged each day, together with the quantities of grape juice used in making the products in question.’;

5. Article 7 is amended to read as follows:

*Article 7*

1. If the processor does not himself undertake the operations of mixing the grape juice with other products pursuant to Article 1(3a) or bottling the juice, mixed, where applicable, with other products, he shall state in Section 10 of the accompanying document referred to in Annex III to Regulation (EEC) No 2238/93 whether an application for aid in respect of the processing of the grape must into this product has been or will be made to the competent authorities pursuant to this Regulation.

2. If the grape juices are dispatched within the Community by the person who prepared them to a bottler, the latter shall, within 15 days of receipt of the product, send a copy of the accompanying document to the responsible body or the department authorised for this purpose at the place of unloading.

No later than 15 days after its receipt, the responsible body or authorised department at the place of unloading shall send a duly stamped copy of the accompanying document to the processor or consignor of the grape juice in question,

3. If the grape juices are dispatched within the Community by the person who prepared them to a firm manufacturing products as defined in Article 1(3a):

- the manufacturer of these products shall, not later than 15 days after its receipt, send the document accompanying the grape juices to the responsible body or authorised department at the place of unloading,
- the control body or authorised department shall stamp the accompanying documents referred to in the first indent only where it has adequate assurances that the grape juices concerned have actually been mixed with other products to manufacture the drinks referred to in Article 1(3a).

Where such assurances exist, no later than 15 days after receipt of the accompanying document referred to in this paragraph, the responsible body or authorised department at the place of unloading shall send a duly stamped copy to the processor or consignor of the grape juice in question.

4. If the grape juices are dispatched within the Community by the person who prepared them to a storage firm before being bottled or used to manufacture non-alcoholic drinks as defined in Article 1(3a):

- the storage firm shall, no later than 15 days after its receipt, send the document accompanying the grape juices to the responsible body or authorised department at the place of unloading,
- the control body or authorised department shall not stamp the accompanying document referred to in the first indent until it has the assurance that a quantity at least equivalent to that of the consignment referred to in this paragraph has been dispatched with an appropriate accompanying document to a bottler or a firm manufacturing non-alcoholic drinks as referred to in Article 1(3a) and has been received by those users.

Where the conditions laid down in the second indent of the first subparagraph are met and after receipt of

the accompanying document, the responsible body or authorised department at the place of unloading shall send a duly stamped copy of the accompanying document referred to in the first indent to the processor or consignor of the grape juice in question.;

6. the existing second paragraph becomes paragraph 5;

7. the following sentence is added to Article 9(1):

'If an administrative enquiry into entitlement to aid has been opened, payment shall not be made until entitlement has been established.'

#### *Article 2*

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

At the request of an operator, Article 1(1) and (5) of this Regulation may be applied to aid applications and/or consignments of grape juice covered by Article 7(2) to (4) of Regulation (EEC) No 2641/88, as amended by this Regulation, submitted or dispatched from 1 January 1997.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 584/98**  
of 13 March 1998

**fixing the minimum selling prices for butter and the maximum aid for cream,  
butter and concentrated butter for the fifth individual invitation to tender under  
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Articles 6(3) and 12(3) thereof,

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup> to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the fifth individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ L 350, 20. 12. 1997, p. 3.

## ANNEX

to the Commission Regulation of 13 March 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the fifth individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter $\geq$ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—		—	
		Concentrated	—		—	
Maximum aid	Butter $\geq$ 82 %		117	113	117	113
	Butter < 82 %		112	108	—	—
	Concentrated butter		144	140	144	140
	Cream		—	—	50	48
Processing security	Butter		129	—	129	—
	Concentrated butter		158	—	158	—
	Cream		—	—	55	—

**COMMISSION REGULATION (EC) No 585/98**

of 13 March 1998

**concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2094/97**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>, as amended by Regulation (EC) No 192/98 <sup>(2)</sup>, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup>, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 <sup>(4)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

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*

No action shall be taken on the tenders submitted from 9 to 12 March 1998 in response to the invitation to tender referred to in Regulation (EC) No 2094/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 20, 27. 1. 1998, p. 16.

<sup>(3)</sup> OJ L 29, 7. 9. 1989, p. 8.

<sup>(4)</sup> OJ L 292, 25. 10. 1997, p. 14.

**COMMISSION REGULATION (EC) No 586/98  
of 13 March 1998**

**fixing the maximum buying-in price and the quantities of beef to be bought in  
under the 199th partial invitation to tender as a general intervention measure  
pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 2634/97<sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef<sup>(3)</sup>, as last amended by Regulation (EC) No 2602/97<sup>(4)</sup>, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender<sup>(5)</sup>, as last amended by Regulation (EC) No 72/98<sup>(6)</sup>;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 199th partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with

the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the 199th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
  - the maximum buying-in price shall be ECU 251 per 100 kg of carcasses or half-carcasses of quality R3,
  - the maximum quantity of carcasses and half-carcasses accepted shall be 1 215 tonnes,
  - the quantities offered at a price less than or equal to ECU 251 shall be multiplied by a coefficient of 25 % in Northern Ireland and 10 % in Ireland, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

*Article 2*

This Regulation shall enter into force on 16 March 1998.

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ L 356, 31. 12. 1997, p. 13.

<sup>(3)</sup> OJ L 225, 4. 9. 1993, p. 4.

<sup>(4)</sup> OJ L 351, 23. 12. 1997, p. 20.

<sup>(5)</sup> OJ L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ L 6, 10. 1. 1998, p. 24.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 587/98**  
**of 13 March 1998**  
**temporarily suspending the issuing of export licences for certain milk products**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 2497/97 <sup>(4)</sup>, and in particular Article 8(3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products

for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended,

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The issue of export licences for milk products referred to in the Annex is hereby suspended from 14 to 31 March 1998.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.  
<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.  
<sup>(3)</sup> OJ L 144, 28. 6. 1995, p. 22.  
<sup>(4)</sup> OJ L 345, 16. 12. 1997, p. 12.



## ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 91 91 9000	0403 90 33 9500	0404 90 29 9150
0401 10 90 9000	0402 91 99 9000	0403 90 33 9900	0404 90 29 9160
0401 20 11 9100	0402 99 11 9110	0403 90 39 9000	0404 90 29 9180
0401 20 11 9500	0402 99 11 9130	0403 90 51 9100	0404 90 81 9100
0401 20 19 9100	0402 99 11 9150	0403 90 51 9300	0404 90 81 9910
0401 20 19 9500	0402 99 11 9310	0403 90 53 9000	0404 90 81 9950
0401 20 91 9100	0402 99 11 9330	0403 90 59 9110	0404 90 83 9110
0401 20 91 9500	0402 99 11 9350	0403 90 59 9140	0404 90 83 9130
0401 20 99 9100	0402 99 19 9110	0403 90 59 9170	0404 90 83 9150
0401 20 99 9500	0402 99 19 9130	0403 90 59 9310	0404 90 83 9170
0401 30 11 9100	0402 99 19 9150	0403 90 59 9340	0404 90 83 9911
0401 30 11 9400	0402 99 19 9310	0403 90 59 9370	0404 90 83 9913
0401 30 11 9700	0402 99 19 9330	0403 90 59 9510	0404 90 83 9915
0401 30 19 9100	0402 99 19 9350	0403 90 59 9540	0404 90 83 9917
0401 30 19 9400	0402 99 31 9110	0403 90 59 9570	0404 90 83 9919
0401 30 19 9700	0402 99 31 9150	0403 90 61 9100	0404 90 83 9931
0401 30 31 9100	0402 99 31 9300	0403 90 61 9300	0404 90 83 9933
0401 30 31 9700	0402 99 31 9500	0403 90 63 9000	0404 90 83 9935
0401 30 39 9700	0402 99 39 9110	0403 90 69 9000	0404 90 83 9937
0401 30 91 9100	0402 99 39 9150	0404 90 21 9100	0404 90 89 9130
0401 30 91 9400	0402 99 39 9300	0404 90 21 9910	0404 90 89 9150
0401 30 91 9700	0402 99 39 9500	0404 90 21 9950	0404 90 89 9930
0401 30 99 9100	0402 99 91 9000	0404 90 23 9120	0404 90 89 9950
0401 30 99 9400	0402 99 99 9000	0404 90 23 9130	0404 90 89 9990
0401 30 99 9700	0403 10 11 9400	0404 90 23 9140	2309 10 70 9100
0402 91 11 9110	0403 10 11 9800	0404 90 23 9150	2309 10 70 9200
0402 91 11 9120	0403 10 13 9800	0404 90 23 9911	2309 10 70 9300
0402 91 11 9310	0403 10 19 9800	0404 90 23 9913	2309 10 70 9500
0402 91 11 9350	0403 10 31 9400	0404 90 23 9915	2309 10 70 9600
0402 91 11 9370	0403 10 31 9800	0404 90 23 9917	2309 10 70 9700
0402 91 19 9110	0403 10 33 9800	0404 90 23 9919	2309 10 70 9800
0402 91 19 9120	0403 10 39 9800	0404 90 23 9931	2309 90 70 9100
0402 91 19 9310	0403 90 11 9000	0404 90 23 9933	2309 90 70 9200
0402 91 19 9350	0403 90 13 9200	0404 90 23 9935	2309 90 70 9300
0402 91 19 9370	0403 90 13 9300	0404 90 23 9937	2309 90 70 9500
0402 91 31 9100	0403 90 13 9500	0404 90 23 9939	2309 90 70 9600
0402 91 31 9300	0403 90 13 9900	0404 90 29 9110	2309 90 70 9700
0402 91 39 9100	0403 90 19 9000	0404 90 29 9115	2309 90 70 9800
0402 91 39 9300	0403 90 31 9000	0404 90 29 9120	
0402 91 51 9000	0403 90 33 9200	0404 90 29 9130	
0402 91 59 9000	0403 90 33 9300	0404 90 29 9135	

**COMMISSION REGULATION (EC) No 588/98**

of 13 March 1998

**altering the export refunds on cereals and on wheat or rye flour, groats and meal**

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 564/98<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 564/98 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;

Whereas possibilities exist for a quantity of 100 000 tonnes of maize to be exported to certain destinations under invitations to tender issued by the World Food Programme; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95<sup>(4)</sup>, as last amended by Regulation (EC) No 444/98<sup>(5)</sup>, should be

used; whereas account should be taken of this when the refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(6)</sup>, as last amended by Regulation (EC) No 150/95<sup>(7)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(8)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(9)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 564/98 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 76, 13. 3. 1998, p. 12.

<sup>(4)</sup> OJ L 117, 24. 5. 1995, p. 2.

<sup>(5)</sup> OJ L 56, 26. 2. 1998, p. 12.

<sup>(6)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(7)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(8)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(9)</sup> OJ L 188, 27. 7. 1996, p. 22.

## ANNEX

## to the Commission Regulation of 13 March 1998 altering the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU / tonne)</i>			<i>(ECU / tonne)</i>		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	18,00
1001 90 91 9000	—	—	1101 00 15 9130	01	17,00
1001 90 99 9000	03	5,00	1101 00 15 9150	01	15,50
	02	0	1101 00 15 9170	01	14,50
1002 00 00 9000	03	25,00	1101 00 15 9180	01	13,50
	02	35,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	21,00	1102 10 00 9500	01	47,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— <sup>(2)</sup>
1005 10 90 9000	—	—	1103 11 10 9400	—	— <sup>(2)</sup>
1005 90 00 9000	04	23,00 <sup>(3)</sup>	1103 11 10 9900	—	—
	03	13,00	1103 11 90 9200	01	0 <sup>(2)</sup>
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			
1008 20 00 9000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein,
- 04 Tanzania, Burundi, Republic of Congo (Brazzaville), Democratic Republic of Congo.

(2) No refund is granted when this product contains compressed meal.

(3) Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 100 000 tonnes of maize to be exported to Tanzania, Burundi, the Republic of Congo (Brazzaville) and the Democratic Republic of Congo, under invitations to tender issued by the World Food Programme.

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

**COMMISSION REGULATION (EC) No 589/98**  
**of 13 March 1998**  
**fixing the agricultural conversion rates**

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

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

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 550/98<sup>(3)</sup>;

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

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(4)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(5)</sup>; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 11 to 13 March 1998, it is necessary to fix a new agricultural conversion rate for the Greek drachma, the Portuguese escudo and the Spanish peseta;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The agricultural conversion rates are fixed in Annex I hereto.

*Article 2*

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

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

*Article 3*

Regulation (EC) No 550/98 is hereby repealed.

*Article 4*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(3)</sup> OJ L 72, 11. 3. 1998, p. 15.

<sup>(4)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(5)</sup> OJ L 188, 27. 7. 1996, p. 22.

## ANNEX I

## Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,54917	Danish kroner
	1,98243	German marks
	312,979	Greek drachmas
	202,528	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23273	Dutch guilders
	0,796521	Irish punt
1	973,93	Italian lire
	13,9485	Austrian schillings
	167,836	Spanish pesetas
	8,79309	Swedish kroner
	0,695735	Pound sterling

## ANNEX II

## Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,25882	Danish kroner		7,86372	Danish kroner
	1,90618	German marks		2,06503	German marks
	300,941	Greek drachmas		326,020	Greek drachmas
	194,738	Portuguese escudos		210,967	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14686	Dutch guilders		2,32576	Dutch guilders
	0,765886	Irish punt		0,829709	Irish punt
1	898,01	Italian lire	2	056,18	Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	161,381	Spanish pesetas		174,829	Spanish pesetas
	8,45489	Swedish kroner		9,15947	Swedish kroner
	0,668976	Pound sterling		0,724724	Pound sterling

**COMMISSION REGULATION (EC) No 590/98**  
**of 13 March 1998**  
**fixing 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

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<sup>(3)</sup>, as last amended by Regulation (EC) No 2092/97<sup>(4)</sup>, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 16 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 161, 29. 6. 1996, p. 125.

<sup>(4)</sup> OJ L 292, 25. 10. 1997, p. 10.

## ANNEX I

## Import duties for the products listed in 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 <sup>(2)</sup> (ECU/tonne)
1001 10 00	Durum wheat <sup>(1)</sup>	0,00	0,00
1001 90 91	Common wheat seed	41,96	31,96
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	41,96	31,96
	medium quality	59,59	49,59
	low quality	73,24	63,24
1002 00 00	Rye	74,02	64,02
1003 00 10	Barley, seed	74,02	64,02
1003 00 90	Barley, other <sup>(3)</sup>	74,02	64,02
1005 10 90	Maize seed other than hybrid	82,99	72,99
1005 90 00	Maize other than seed <sup>(3)</sup>	82,99	72,99
1007 00 90	Grain sorghum other than hybrids for sowing	74,02	64,02

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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 27 February 1998 to 12 March 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)	127,88	118,89	113,56	100,48	207,05 (¹)	116,72 (¹)
Gulf premium (ECU/tonne)	20,90	12,26	3,94	7,28	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

(¹) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,75 per tonne; Great Lakes — Rotterdam: ECU 24,19 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).



**COMMISSION REGULATION (EC) No 591/98**  
**of 13 March 1998**  
**on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 213/98<sup>(2)</sup>, and in particular Article 2(3) thereof,

Whereas Commission Regulation (EC) No 8/98<sup>(3)</sup> sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were

issued without restriction for shelled hazelnuts in response to applications submitted since 9 March 1998; whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 9 March 1998 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

A1 export licences for shelled hazelnuts for which applications were submitted on 9 March 1998 pursuant to Article 1 of Regulation (EC) No 8/98 shall be issued for 18,8 % of the quantities applied for.

Applications for A1 export licences submitted after 9 March 1998 and before 11 March 1998 for that product shall be rejected.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 292, 15. 11. 1996, p. 12.

<sup>(2)</sup> OJ L 22, 29. 1. 1998, p. 8.

<sup>(3)</sup> OJ L 3, 7. 1. 1998, p. 5.

**COMMISSION REGULATION (EC) No 592/98**  
**of 13 March 1998**  
**on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 213/98 <sup>(2)</sup>, and in particular Article 2(3) thereof,

Whereas Commission Regulation (EC) No 520/98 <sup>(3)</sup> sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2(3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were

issued without restriction for apples in response to applications submitted since 11 March 1998; whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 11 March 1998 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

A1 export licences for apples for which applications were submitted on 11 March 1998 pursuant to Article 1 of Regulation (EC) No 520/98 shall be issued for 18,2 % of the quantities applied for.

Applications for A1 export licences submitted after 11 March 1998 and before 13 May 1998 for that product shall be rejected.

*Article 2*

This Regulation shall enter into force on 14 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 292, 15. 11. 1996, p. 12.

<sup>(2)</sup> OJ L 22, 29. 1. 1998, p. 8.

<sup>(3)</sup> OJ L 66, 6. 3. 1998, p. 8.

**COMMISSION REGULATION (EC) No 593/98**  
**of 13 March 1998**

**altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty**

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular the fourth subparagraph of Article 13(3) thereof,

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

Whereas the rates of the refunds applicable from 13 March 1998 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the

Treaty, were fixed by Commission Regulation (EC) No 574/98<sup>(5)</sup>; whereas a verification has shown that certain amounts had been determined wrongly; whereas, therefore, it is necessary to correct the annex to the Regulation in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 574/98 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 March 1998.

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

Done at Brussels, 13 March 1998.

*For the Commission*  
Martin BANGEMANN  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ L 20, 27. 1. 1998, p. 16.

<sup>(5)</sup> OJ L 76, 13. 3. 1998, p. 26.

## ANNEX

to the Commission Regulation of 13 March 1998 altering the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	0,801 0,636 1,232
1002 00 00	Rye	2,979
1003 00 90	Barley	1,885
1004 00 00	Oats	1,876
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	1,283 2,028 1,084 1,829 2,028 1,283 2,028
1006 20	Husked rice: — round grain — medium grain — long grain	— — —
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	— — —
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	— — —

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,885
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,985
	— in other cases	1,515
1102 10 00	Rye flour	4,081
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,985
	— in other cases	1,515

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

<sup>(2)</sup> The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

<sup>(3)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**DIRECTIVE 98/5/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of 16 February 1998

to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 49, Article 57(1) and the first and third sentences of Article 57(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the Opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 189b of the Treaty <sup>(3)</sup>,

- (1) Whereas, pursuant to Article 7a of the Treaty, the internal market is to comprise an area without internal frontiers; whereas, pursuant to Article 3(c) of the Treaty, the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community; whereas, for nationals of the Member States, this means among other things the possibility of practising a profession, whether in a self-employed or a salaried capacity, in a Member State other than that in which they obtained their professional qualifications;
- (2) Whereas, pursuant to Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration <sup>(4)</sup>, a lawyer who is fully qualified in one Member State may already ask to have his diploma recognised with a view to establishing himself in another Member State in order to practise the profession of lawyer there under the professional title used in that State; whereas the objective of Directive 89/48/EEC is to ensure that a lawyer is integrated into the profession in the host Member State, and the Directive seeks neither to modify the rules regulating the profession in that State nor to remove such a lawyer from the ambit of those rules;
- (3) Whereas while some lawyers may become quickly integrated into the profession in the host Member State, *inter alia* by passing an aptitude test as provided for in Directive 89/48/EEC, other fully

qualified lawyers should be able to achieve such integration after a certain period of professional practice in the host Member State under their home-country professional titles or else continue to practise under their home-country professional titles;

- (4) Whereas at the end of that period the lawyer should be able to integrate into the profession in the host Member States after verification that the possessor has professional experience in that Member State;
- (5) Whereas action along these lines is justified at Community level not only because, compared with the general system for the recognition of diplomas, it provides lawyers with an easier means whereby they can integrate into the profession in a host Member State, but also because, by enabling lawyers to practise under their home-country professional titles on a permanent basis in a host Member State, it meets the needs of consumers of legal services who, owing to the increasing trade flows resulting, in particular, from the internal market, seek advice when carrying out cross-border transactions in which international law, Community law and domestic laws often overlap;
- (6) Whereas action is also justified at Community level because only a few Member States already permit in their territory the pursuit of activities of lawyers, otherwise than by way of provision of services, by lawyers from other Member States practising under their home-country professional titles; whereas, however, in the Member States where this possibility exists, the practical details concerning, for example, the area of activity and the obligation to register with the competent authorities differ considerably; whereas such a diversity of situations leads to inequalities and distortions in competition between lawyers from the Member States and constitutes an obstacle to freedom of movement; whereas only a directive laying down the conditions governing practice of the profession, otherwise than by way of provision of services, by lawyers practising under their home-country professional titles is capable of resolving these difficulties and of affording the same opportunities to lawyers and consumers of legal services in all Member States;

<sup>(1)</sup> OJ C 128, 24. 5. 1995, p. 6 and OJ C 355, 25. 11. 1996, p. 19.

<sup>(2)</sup> OJ C 256, 2. 10. 1995, p. 14.

<sup>(3)</sup> Opinion of the European Parliament of 19 June 1996 (OJ C 198, 8. 7. 1996, p. 85), Council Common Position of 24 July 1997 (OJ C 297, 29. 9. 1997, p. 6), Decision of the European Parliament of 19 November 1997 (Council Decision of 15 December 1997).

<sup>(4)</sup> OJ L 19, 24. 1. 1989, p. 16.

- (7) Whereas, in keeping with its objective, this Directive does not lay down any rules concerning purely domestic situations, and where it does affect national rules regulating the legal profession it does so no more than is necessary to achieve its purpose effectively; whereas it is without prejudice in particular to national legislation governing access to and practice of the profession of lawyer under the professional title used in the host Member State;
- (8) Whereas lawyers covered by the Directive should be required to register with the competent authority in the host Member State in order that that authority may ensure that they comply with the rules of professional conduct in force in that State; whereas the effect of such registration as regards the jurisdictions in which, and the levels and types of court before which, lawyers may practise is determined by the law applicable to lawyers in the host Member State;
- (9) Whereas lawyers who are not integrated into the profession in the host Member State should practise in that State under their home-country professional titles so as to ensure that consumers are properly informed and to distinguish between such lawyers and lawyers from the host Member State practising under the professional title used there;
- (10) Whereas lawyers covered by this Directive should be permitted to give legal advice in particular on the law of their home Member States, on Community law, on international law and on the law of the host Member State; whereas this is already allowed as regards the provision of services under Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services<sup>(1)</sup>; whereas, however, provision should be made, as in Directive 77/249/EEC, for the option of excluding from the activities of lawyers practising under their home-country professional titles in the United Kingdom and Ireland the preparation of certain formal documents in the conveyancing and probate spheres; whereas this Directive in no way affects the provisions under which, in every Member State, certain activities are reserved for professions other than the legal profession; whereas the provision in Directive 77/249/EEC concerning the possibility of the host Member State to require a lawyer practising under his home-country professional title to work in conjunction with a local lawyer when representing or defending a client in legal proceedings should also be incorporated in this Directive; whereas that requirement must be interpreted in the light of the case law of the Court of Justice of the European Communities, in particular its judgment of 25 February 1988 in Case 427/85, *Commission v. Germany*<sup>(2)</sup>;
- (11) Whereas to ensure the smooth operation of the justice system Member States should be allowed, by means of specific rules, to reserve access to their highest courts to specialist lawyers, without hindering the integration of Member States' lawyers fulfilling the necessary requirements;
- (12) Whereas a lawyer registered under his home-country professional title in the host Member State must remain registered with the competent authority in his home Member State if he is to retain his status of lawyer and be covered by this Directive; whereas for that reason close collaboration between the competent authorities is indispensable, in particular in connection with any disciplinary proceedings;
- (13) Whereas lawyers covered by this Directive, whether salaried or self-employed in their home Member States, may practise as salaried lawyers in the host Member State, where that Member State offers that possibility to its own lawyers;
- (14) Whereas the purpose pursued by this Directive in enabling lawyers to practise in another Member State under their home-country professional titles is also to make it easier for them to obtain the professional title of that host Member State; whereas under Articles 48 and 52 of the Treaty as interpreted by the Court of Justice the host Member State must take into consideration any professional experience gained in its territory; whereas after effectively and regularly pursuing in the host Member State an activity in the law of that State including Community law for a period of three years, a lawyer may reasonably be assumed to have gained the aptitude necessary to become fully integrated into the legal profession there; whereas at the end of that period the lawyer who can, subject to verification, furnish evidence of his professional competence in the host Member State should be able to obtain the professional title of that Member State; whereas if the period of effective and regular professional activity of at least three years includes a shorter period of practice in

<sup>(1)</sup> OJ L 78, 26. 3. 1977, p. 17. Directive as last amended by the 1994 Act of Accession.

<sup>(2)</sup> [1988] ECR 1123.

the law of the host Member State, the authority shall also take into consideration any other knowledge of that State's law, which it may verify during an interview; whereas if evidence of fulfilment of these conditions is not provided, the decision taken by the competent authority of the host State not to grant the State's professional title under the facilitation arrangements linked to those conditions must be substantiated and subject to appeal under national law;

- (15) Whereas, for economic and professional reasons, the growing tendency for lawyers in the Community to practise jointly, including in the form of associations, has become a reality; whereas the fact that lawyers belong to a grouping in their home Member State should not be used as a pretext to prevent or deter them from establishing themselves in the host Member State; whereas Member States should be allowed, however, to take appropriate measures with the legitimate aim of safeguarding the profession's independence; whereas certain guarantees should be provided in those Member States which permit joint practice,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Object, scope and definitions

1. The purpose of this Directive is to facilitate practice of the profession of lawyer on a permanent basis in a self-employed or salaried capacity in a Member State other than that in which the professional qualification was obtained.
2. For the purposes of this Directive:
  - (a) *'lawyer'* means any person who is a national of a Member State and who is authorised to pursue his professional activities under one of the following professional titles:

Belgium	Avocat/Advocaat/Rechtsanwalt
Denmark	Advokat
Germany	Rechtsanwalt
Greece	Δικηγόρος
Spain	Abogado/Advocat/Avogado/ Abokatu
France	Avocat
Ireland	Barrister/Solicitor
Italy	Avvocato
Luxembourg	Avocat
Netherlands	Advocaat
Austria	Rechtsanwalt

Portugal	Advogado
Finland	Asianajaja/Advokat
Sweden	Advokat
United Kingdom	Advocate/Barrister/Solicitor

- (b) *'home Member State'* means the Member State in which a lawyer acquired the right to use one of the professional titles referred to in (a) before practising the profession of lawyer in another Member State;
- (c) *'host Member State'* means the Member State in which a lawyer practises pursuant to this Directive;
- (d) *'home-country professional title'* means the professional title used in the Member State in which a lawyer acquired the right to use that title before practising the profession of lawyer in the host Member State;
- (e) *'grouping'* means any entity, with or without legal personality, formed under the law of a Member State, within which lawyers pursue their professional activities jointly under a joint name;
- (f) *'relevant professional title'* or *'relevant profession'* means the professional title or profession governed by the competent authority with whom a lawyer has registered under Article 3, and *'competent authority'* means that authority.

3. This Directive shall apply both to lawyers practising in a self-employed capacity and to lawyers practising in a salaried capacity in the home Member State and, subject to Article 8, in the host Member State.

4. Practice of the profession of lawyer within the meaning of this Directive shall not include the provision of services, which is covered by Directive 77/249/EEC.

#### Article 2

##### Right to practise under the home-country professional title

Any lawyer shall be entitled to pursue on a permanent basis, in any other Member State under his home-country professional title, the activities specified in Article 5.

Integration into the profession of lawyer in the host Member State shall be subject to Article 10.

#### Article 3

##### Registration with the competent authority

1. A lawyer who wishes to practise in a Member State other than that in which he obtained his professional qualification shall register with the competent authority in that State.



2. The competent authority in the host Member State shall register the lawyer upon presentation of a certificate attesting to his registration with the competent authority in the home Member State. It may require that, when presented by the competent authority of the home Member State, the certificate be not more than three months old. It shall inform the competent authority in the home Member State of the registration.

3. For the purpose of applying paragraph 1:

- in the United Kingdom and Ireland, lawyers practising under a professional title other than those used in the United Kingdom or Ireland shall register either with the authority responsible for the profession of barrister or advocate or with the authority responsible for the profession of solicitor,
- in the United Kingdom, the authority responsible for a barrister from Ireland shall be that responsible for the profession of barrister or advocate, and the authority responsible for a solicitor from Ireland shall be that responsible for the profession of solicitor,
- in Ireland, the authority responsible for a barrister or an advocate from the United Kingdom shall be that responsible for the profession of barrister, and the authority responsible for a solicitor from the United Kingdom shall be that responsible for the profession of solicitor.

4. Where the relevant competent authority in a host Member State publishes the names of lawyers registered with it, it shall also publish the names of lawyers registered pursuant to this Directive.

#### Article 4

##### Practice under the home-country professional title

1. A lawyer practising in a host Member State under his home-country professional title shall do so under that title, which must be expressed in the official language or one of the official languages of his home Member State, in an intelligible manner and in such a way as to avoid confusion with the professional title of the host Member State.

2. For the purpose of applying paragraph 1, a host Member State may require a lawyer practising under his home-country professional title to indicate the professional body of which he is a member in his home Member State or the judicial authority before which he is entitled to practise pursuant to the laws of his home Member State. A host Member State may also require a lawyer practising under his home-country professional

title to include a reference to his registration with the competent authority in that State.

#### Article 5

##### Area of activity

1. Subject to paragraphs 2 and 3, a lawyer practising under his home-country professional title carries on the same professional activities as a lawyer practising under the relevant professional title used in the host Member State and may, *inter alia*, give advice on the law of his home Member State, on Community law, on international law and on the law of the host Member State. He shall in any event comply with the rules of procedure applicable in the national courts.

2. Member States which authorise in their territory a prescribed category of lawyers to prepare deeds for obtaining title to administer estates of deceased persons and for creating or transferring interests in land which, in other Member States, are reserved for professions other than that of lawyer may exclude from such activities lawyers practising under a home-country professional title conferred in one of the latter Member States.

3. For the pursuit of activities relating to the representation or defence of a client in legal proceedings and insofar as the law of the host Member State reserves such activities to lawyers practising under the professional title of that State, the latter may require lawyers practising under their home-country professional titles to work in conjunction with a lawyer who practises before the judicial authority in question and who would, where necessary, be answerable to that authority or with an 'avoué' practising before it.

Nevertheless, in order to ensure the smooth operation of the justice system, Member States may lay down specific rules for access to supreme courts, such as the use of specialist lawyers.

#### Article 6

##### Rules of professional conduct applicable

1. Irrespective of the rules of professional conduct to which he is subject in his home Member State, a lawyer practising under his home-country professional title shall be subject to the same rules of professional conduct as lawyers practising under the relevant professional title of the host Member State in respect of all the activities he pursues in its territory.

2. Lawyers practising under their home-country professional titles shall be granted appropriate representation in the professional associations of the host Member State.

Such representation shall involve at least the right to vote in elections to those associations' governing bodies.

3. The host Member State may require a lawyer practising under his home-country professional title either to take out professional indemnity insurance or to become a member of a professional guarantee fund in accordance with the rules which that State lays down for professional activities pursued in its territory. Nevertheless, a lawyer practising under his home-country professional title shall be exempted from that requirement if he can prove that he is covered by insurance taken out or a guarantee provided in accordance with the rules of his home Member State, insofar as such insurance or guarantee is equivalent in terms of the conditions and extent of cover. Where the equivalence is only partial, the competent authority in the host Member State may require that additional insurance or an additional guarantee be contracted to cover the elements which are not already covered by the insurance or guarantee contracted in accordance with the rules of the home Member State.

#### Article 7

### Disciplinary proceedings

1. In the event of failure by a lawyer practising under his home-country professional title to fulfil the obligations in force in the host Member State, the rules of procedure, penalties and remedies provided for in the host Member State shall apply.

2. Before initiating disciplinary proceedings against a lawyer practising under his home-country professional title, the competent authority in the host Member State shall inform the competent authority in the home Member State as soon as possible, furnishing it with all the relevant details.

The first subparagraph shall apply *mutatis mutandis* where disciplinary proceedings are initiated by the competent authority of the home Member State, which shall inform the competent authority of the host Member State(s) accordingly.

3. Without prejudice to the decision-making power of the competent authority in the host Member State, that authority shall cooperate throughout the disciplinary proceedings with the competent authority in the home Member State. In particular, the host Member State shall take the measures necessary to ensure that the competent authority in the home Member State can make submissions to the bodies responsible for hearing any appeal.

4. The competent authority in the home Member State shall decide what action to take, under its own procedural and substantive rules, in the light of a decision of the competent authority in the host Member State concerning a lawyer practising under his home-country professional title.

5. Although it is not a prerequisite for the decision of the competent authority in the host Member State, the temporary or permanent withdrawal by the competent authority in the home Member State of the authorisation to practise the profession shall automatically lead to the lawyer concerned being temporarily or permanently prohibited from practising under his home-country professional title in the host Member State.

#### Article 8

### Salaried practice

A lawyer registered in a host Member State under his home-country professional title may practise as a salaried lawyer in the employ of another lawyer, an association or firm of lawyers, or a public or private enterprise to the extent that the host Member State so permits for lawyers registered under the professional title used in that State.

#### Article 9

### Statement of reasons and remedies

Decisions not to effect the registration referred to in Article 3 or to cancel such registration and decisions imposing disciplinary measures shall state the reasons on which they are based.

A remedy shall be available against such decisions before a court or tribunal in accordance with the provisions of domestic law.

#### Article 10

### Like treatment as a lawyer of the host Member State

1. A lawyer practising under his home-country professional title who has effectively and regularly pursued for a period of at least three years an activity in the host Member State in the law of that State including Community law shall, with a view to gaining admission to the profession of lawyer in the host Member State, be exempted from the conditions set out in Article 4(1)(b) of Directive 89/48/EEC, 'Effective and regular pursuit' means actual exercise of the activity without any interruption other than that resulting from the events of everyday life.

It shall be for the lawyer concerned to furnish the competent authority in the host Member State with proof of such effective regular pursuit for a period of at least three years of an activity in the law of the host Member State. To that end:

- (a) the lawyer shall provide the competent authority in the host Member State with any relevant information and documentation, notably on the number of matters he has dealt with and their nature;
- (b) the competent authority of the host Member State may verify the effective and regular nature of the activity pursued and may, if need be, request the lawyer to provide, orally or in writing, clarification of or further details on the information and documentation mentioned in point (a).

Reasons shall be given for a decision by the competent authority in the host Member State not to grant an exemption where proof is not provided that the requirements laid down in the first subparagraph have been fulfilled, and the decision shall be subject to appeal under domestic law.

2. A lawyer practising under his home-country professional title in a host Member State may, at any time, apply to have his diploma recognised in accordance with Directive 89/48/EEC with a view to gaining admission to the profession of lawyer in the host Member State and practising it under the professional title corresponding to the profession in that Member State.

3. A lawyer practising under his home-country professional title who has effectively and regularly pursued a professional activity in the host Member State for a period of at least three years but for a lesser period in the law of that Member State may obtain from the competent authority of that State admission to the profession of lawyer in the host Member State and the right to practise it under the professional title corresponding to the profession in that Member State, without having to meet the conditions referred to in Article 4(1)(b) of Directive 89/48/EEC, under the conditions and in accordance with the procedures set out below:

- (a) The competent authority of the host Member State shall take into account the effective and regular professional activity pursued during the abovementioned period and any knowledge and professional experience of the law of the host Member State, and any attendance at lectures or seminars on the law of the host Member State, including the rules regulating professional practice and conduct.
- (b) The lawyer shall provide the competent authority of the host Member State with any relevant information and documentation, in particular on the matters he has dealt with. Assessment of the lawyer's effective and regular activity in the host Member State and assessment of his capacity to continue the activity he

has pursued there shall be carried out by means of an interview with the competent authority of the host Member State in order to verify the regular and effective nature of the activity pursued.

Reasons shall be given for a decision by the competent authority in the host Member State not to grant authorisation where proof is not provided that the requirements laid down in the first subparagraph have been fulfilled, and the decision shall be subject to appeal under domestic law.

4. The competent authority of the host Member State may, by reasoned decision subject to appeal under domestic law, refuse to allow the lawyer the benefit of the provisions of this Article if it considers that this would be against public policy, in a particular because of disciplinary proceedings, complaints or incidents of any kind.

5. The representatives of the competent authority entrusted with consideration of the application shall preserve the confidentiality of any information received.

6. A lawyer who gains admission to the profession of lawyer in the host Member State in accordance with paragraphs 1, 2 and 3 shall be entitled to use his home-country professional title, expressed in the official language or one of the official languages of his home Member State, alongside the professional title corresponding to the profession of lawyer in the host Member State.

#### *Article 11*

#### **Joint practice**

Where joint practise is authorised in respect of lawyers carrying on their activities under the relevant professional title in the host Member State, the following provisions shall apply in respect of lawyers wishing to carry on activities under that title or registering with the competent authority:

- (1) One or more lawyers who belong to the same grouping in their home Member State and who practise under their home-country professional title in a host Member State may pursue their professional activities in a branch or agency of their grouping in the host Member State. However, where the fundamental rules governing that grouping in the home Member State are incompatible with the fundamental rules laid down by law, regulation or administrative action in the host Member State, the latter rules shall prevail insofar as compliance therewith is justified by the public interest in protecting clients and third parties.

(2) Each Member State shall afford two or more lawyers from the same grouping or the same home Member State who practise in its territory under their home-country professional titles access to a form of joint practice. If the host Member State gives its lawyers a choice between several forms of joint practice, those same forms shall also be made available to the aforementioned lawyers. The manner in which such lawyers practise jointly in the host Member State shall be governed by the laws, regulations and administrative provisions of that State.

(3) The host Member State shall take the measures necessary to permit joint practice also between:

- (a) several lawyers from different Member States practising under their home-country professional titles;
- (b) one or more lawyers covered by point (a) and one or more lawyers from the host Member State.

The manner in which such lawyers practice jointly in the host Member State shall be governed by the laws, regulations and administrative provisions of that State.

(4) A lawyer who wishes to practise under his home-country professional title shall inform the competent authority in the host Member State of the fact that he is a member of a grouping in his home Member State and furnish any relevant information on that grouping.

(5) Notwithstanding points 1 to 4, a host Member State, insofar as it prohibits lawyers practising under its own relevant professional title from practising the profession of lawyer within a grouping in which some persons are not members of the profession, may refuse to allow a lawyer registered under his home-country professional title to practice in its territory in his capacity as a member of his grouping. The grouping is deemed to include persons who are not members of the profession if

- the capital of the grouping is held entirely or partly, or
- the name under which it practises is used, or
- the decision-making power in that grouping is exercised, *de facto* or *de jure*,

by persons who do not have the status of lawyer within the meaning of Article 1(2).

Where the fundamental rules governing a grouping of lawyers in the home Member State are incompatible with the rules in force in the host Member State or with the provisions of the first subparagraph, the host Member State may oppose the opening of a branch or agency within its territory without the restrictions laid down in point (1).

#### Article 12

##### Name of the grouping

Whatever the manner in which lawyers practise under their home-country professional titles in the host Member

State, they may employ the name of any grouping to which they belong in their home Member State.

The host Member State may require that, in addition to the name referred to in the first subparagraph, mention be made of the legal form of the grouping in the home Member State and/or of the names of any members of the grouping practising in the host Member State.

#### Article 13

##### Cooperation between the competent authorities in the home and host Member States and confidentiality

In order to facilitate the application of this Directive and to prevent its provisions from being misapplied for the sole purpose of circumventing the rules applicable in the host Member State, the competent authority in the host Member State and the competent authority in the home Member State shall collaborate closely and afford each other mutual assistance.

They shall preserve the confidentiality of the information they exchange.

#### Article 14

##### Designation of the competent authorities

Member States shall designate the competent authorities empowered to receive the applications and to take the decisions referred to in this Directive by 14 March 2000. They shall communicate this information to the other Member States and to the Commission.

#### Article 15

##### Report by the Commission

Ten years at the latest from the entry into force of this Directive, the Commission shall report to the European Parliament and to the Council on progress in the implementation of the Directive.

After having held all the necessary consultations, it shall on that occasion present its conclusions and any amendments which could be made to the existing system.

#### Article 16

##### Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 March 2000. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official

publication. The methods of making such reference shall be adopted by Member States.

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

*Article 17*

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

*Article 18*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1998.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

J. CUNNINGHAM

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## TWENTY-SECOND COMMISSION DIRECTIVE 98/16/EC

of 5 March 1998

adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976<sup>(1)</sup> on the approximation of the laws of the Member States relating to cosmetic products, as last amended by Commission Directive 97/45/EC<sup>(2)</sup>, and in particular Article 8(2) thereof,

Whereas Commission Directive 97/1/EC<sup>(3)</sup> temporarily prohibited, as a precautionary measure, the use of bovine, ovine and caprine tissues and fluids from the encephalon, the spinal cord and the eyes, and ingredients derived therefrom; this Directive was to be reviewed following the examination of the elements on which it was based, and generally adapted in the light of the development of scientific knowledge;

Whereas Commission Decision 97/534/EC of 30 July 1997 on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies<sup>(4)</sup>, defines specified risk materials, provides for their elimination at source and prohibits their import into the Community;

Whereas Directive 76/768/EEC requires Member States to ensure that only cosmetic products which conform to the provisions of this Directive may be put on the market in the EU and whereas, more particularly, Member States shall prohibit the marketing of cosmetic products containing substances listed in Annex II;

Whereas these provisions apply to all cosmetic products to be placed on the market in the Community, notwithstanding the origin of the product or the raw materials contained therein; whereas, thereby, the compliance with Community law of cosmetic products, starting materials and intermediate products which are imported into the Community to be used in the manufacture of cosmetic products is controlled and checked;

Whereas Directive 76/768/EEC should be amended to align the list of prohibited animal materials to that contained in the Decision 97/534/EC;

Whereas the opinion of the Scientific Committee on Cosmetology of 24 June 1997 stated that tallow derivatives such as fatty acids, glycerine, fatty acid esters and soaps, used in the production of cosmetic products, are considered safe provided that, as a minimum, they have been obtained by certain specified methods which have been strictly certified, and that other tallow derivatives such as fatty alcohols and fatty amides produced from the abovementioned derivatives and subsequently processed are regarded as safe;

Whereas, according to this scientific opinion, it is possible to grant a derogation for tallow derivatives; this derogation also applies to other derivatives of tallow such as fatty alcohols, fatty amines and fatty amides, and materials made from the abovementioned that are manufactured according to the methods indicated in the Annex and subjected to additional subsequent treatments;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the removal of technical barriers to trade in the cosmetic products sector;

Whereas Member States have the right to maintain in force until 1 April 1998 those measures adopted in concordance with Directive 97/1/EC,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 76/768/EEC is hereby amended as shown in the Annex.

*Article 2*

Member States shall take the necessary measures to ensure that the cosmetic products containing the substances set out in the Annex cannot be placed on the market from 1 April 1998. This does not apply to products produced before 1 April 1998. Member States may retain in force those measures implementing Directive 97/1/EC until 1 April 1998.

<sup>(1)</sup> OJ L 262, 27. 9. 1976, p. 169.

<sup>(2)</sup> OJ L 196, 24. 7. 1997, p. 77.

<sup>(3)</sup> OJ L 16, 18. 1. 1997, p. 85.

<sup>(4)</sup> OJ L 216, 8. 8. 1997, p. 95.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 April 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

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

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 5 March 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

*ANNEX*

Reference number 419 of Annex II to Directive 76/768/CEE is amended as follows:

'419. (a) the skull, including the brain and eyes, tonsils and spinal cord of:

- bovine animals aged 12 months,
- ovine and caprine animals which are aged over 12 months or have a permanent incisor tooth erupted through the gum;

(b) the spleens of ovine and caprine animals and ingredients derived therefrom.

However, tallow derivatives may be used provided that the following methods have been used and strictly certified by the producer:

- Transesterification or Hydrolysis at at least: 200 °C, 40 bars (40,000 hPa) for 20 minutes (glycerol and fatty acids and esters),
  - Saponification with NaOH 12M (glycerol and soap):
    - Batch process: at 95 °C for three hours
    - or
    - Continuous process: at 140 °C, two bars (2000 hPa) for eight minutes or equivalent conditions.'
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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 27 February 1998

to authorise Italy to apply the requirements of section A of Article 4 of Council Directive 64/433/EEC to certain slaughterhouses which handle not more than 2 000 livestock units per year

(Only the Italian text is authentic)

(Text with EEA relevance)

(98/202/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat <sup>(1)</sup> as last amended by Directive 95/23/EC <sup>(2)</sup>, and in particular Article 4(D) thereof,

Whereas Directive 64/433/EEC makes it possible for Member States to request for authorisation to apply the requirements of section A of Article 4 to certain slaughterhouses which handle not more than 2 000 livestock units per year;

Whereas Italy has sent a request to be authorised to apply the above mentioned regulations for certain slaughterhouses;

Whereas these slaughterhouses are situated in regions such as mountain areas suffering from special geographical constraints;

Whereas these regions are affected by supply difficulties because there are no other establishments to slaughter animals in order to supply the population of these remote geographical areas with meat;

Whereas agricultural activities in these regions are based on animal production and the distances for the transport of the slaughter animals are too long;

Whereas the measures laid down in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Italy is authorised to apply to requirements of section A of Article 4 of Directive 64/433/EEC to slaughterhouses listed in the Annex of this Decision.

*Article 2*

This derogation is granted on the condition that

— the establishments are situated in areas to which access is difficult because transport infrastructure and links with the rest of the country are inadequate to ensure adequate supplies or with particular geographical difficulties,

<sup>(1)</sup> OJ 121, 29. 7. 1964, p. 2012/64.

<sup>(2)</sup> OJ L 243, 11. 10. 1995, p. 7.

- the transport distance for slaughter animals of their region to a slaughterhouse approved according to Article 10 of Directive 64/433/EEC is longer than the transport distance to the establishments in the annex and the transport takes more than one hour under normal conditions,
- the animals slaughtered originate in the region where the slaughterhouse is located,
- the throughput of the slaughterhouses is only raised to a level which still guarantees production in compliance with the hygiene rules and the maximum throughput does not exceed 2 000 livestock units per year,
- at least one official veterinarian is permanently present during production hours.

*Article 3*

This Decision shall apply from 20 February 1998.

*Article 4*

This Decision is addressed to the Republic of Italy.

Done at Brussels, 27 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

## LIST OF SLAUGHTERHOUSES

Name of establishment	Place	Province	Region
Comunale	Atri	TE	Abruzzo
Comunale	Nereto	TE	Abruzzo
Comunale	Castiglione Messer Raimondo	TE	Abruzzo
Comunale	Castelnuovo Vomano	TE	Abruzzo
Mattatoio Suini Galiffa A.	S. Egidio alla Vibrata	TE	Abruzzo
Serafini Amedeo	Civitella del Tronto	TE	Abruzzo
Comunale	Avezzano	AQ	Abruzzo
Comunale	Alfedena	AQ	Abruzzo
Comunale	Vasto	CH	Abruzzo
Campoletizia	Miglianico	CH	Abruzzo
Comunale	Venosa	PZ	Basilicata
Comunale	Rionero in Vulture	PZ	Basilicata
Comunale	Ruvo del Monte	PZ	Basilicata
Comunale	Avigliano	PZ	Basilicata
Comunale	Campomaggiore	PZ	Basilicata
Comunale	Muro Lucano	PZ	Basilicata
Comunale	Tolve	PZ	Basilicata
Comunale	Corleto Perticara	PZ	Basilicata
Comunale	Lagonegro	PZ	Basilicata
Comunale	Lauria	PZ	Basilicata
Comunale	Chiaromonte	PZ	Basilicata
Comunale	Bernalda	MT	Basilicata
Comunale	Miglionico	MT	Basilicata
Comunale	Salandra	MT	Basilicata
Comunale	Tricarico	MT	Basilicata
Comunale	Accettura	MT	Basilicata
Comunale	Pisticci	MT	Basilicata
Comunale	Stigliano	MT	Basilicata
Pubblico	Polistena	RC	Calabria
Meridional Carni di Panetta C.	Grotteria	RC	Calabria
CE.ZO.M.	Vico Equense	NA	Campania
Pubblico	Pietrastornina	AV	Campania
Pubblico	Solofra	AV	Campania
Vigorita Francesco	S. Michele di Serino	AV	Campania
Le Lauretana	Lauro	AV	Campania
La Masseria	Lauro	AV	Campania
Pubblico	Caposele	AV	Campania
Pubblico	Lacedonia	AV	Campania
Euromeat	Greci	AV	Campania
Pubblico	Pellezzano	SA	Campania
Pubblico	Rutino	SA	Campania
Pubblico	Monte San Giacomo	SA	Campania
Pubblico	Sant'Arsenio	SA	Campania
Pubblico	Buonabitacolo	SA	Campania
Cestari Giuseppe	Montesano sulla Marcellana	SA	Campania
Malzoni Amedeo	Montecorice	SA	Campania
MA. BES.	Casalvelino	SA	Campania
Torre Carni	Torre Orsaia	SA	Campania
Pubblico	Cerreto Sannita	BN	Campania

Name of establishment	Place	Province	Region
Pubblico	San Salvatore Telesino	BN	Campania
Pubblico	Casalduni	BN	Campania
Pubblico	Circello	BN	Campania
Pubblico	San Marco dei Cavoti	BN	Campania
Pubblico	Apice	BN	Campania
Pubblico	Limatola	BN	Campania
Pubblico	Airola	BN	Campania
Pubblico	Morcone	BN	Campania
De Palma Rosalia	Pago Velano	BN	Campania
Longo Antonio	Pontelandolfi	BN	Campania
Goglio Calabrese Luigi	Vitulano	BN	Campania
D'Alessandro Raffaele	Calvi	BN	Campania
La Collina Verde	Visciano	NA	Campania
Pubblico	Pratola Serra	AV	Campania
Pubblico	Montefalcione	AV	Campania
Comunale	Borgo Val di Taro	PR	Emilia-Romagna
Comunale	Castelnuovo ne'Monti	RE	Emilia-Romagna
Intercomunale	Lama Mocogno	MO	Emilia-Romagna
Comunale	Porretta Terme	BO	Emilia-Romagna
Vitali	Gaggio Montano	BO	Emilia-Romagna
Comunale	Castiglione dei Pepoli	BO	Emilia-Romagna
Comunale	Santa Sofia	FO	Emilia-Romagna
Comunale	Sogliano al Rubicone	FO	Emilia-Romagna
Comunale	Bagno di Romagna	FO	Emilia-Romagna
Comunale	Sarsina	FO	Emilia-Romagna
Battilana F.Ili Snc	Bertiolo	UD	Friuli-Venezia Giulia
Tilatti Claudio e Gianni	Bertiolo	UD	Friuli-Venezia Giulia
Dariotti Flavio	Chions	PN	Friuli-Venezia Giulia
Pubblico	Aviano	PN	Friuli-Venezia Giulia
Agricola Carni di Di Fasan V.	Azzano Decimo	PN	Friuli-Venezia Giulia
Larice Carni di Pio e Paolo Larice	Amaro	UD	Friuli-Venezia Giulia
Di Biase Domenico	Cavazzo Carnico	UD	Friuli-Venezia Giulia
Pubblico	Cividale	UD	Friuli-Venezia Giulia
Pubblico	Buia	UD	Friuli-Venezia Giulia
Gattel Franco	Cordenons	PN	Friuli-Venezia Giulia
Pubblico GMP	Sora	FR	Lazio
Pubblico	Anguillara Sabazia	RM	Lazio
Comunale	Galliciano nel Lazio	RM	Lazio
Lafrate Maria	Arpino	FR	Lazio
Pubblico	Leonessa	RI	Lazio
Pubblico	Cottanello	RI	Lazio
Salumificio Proietti	Cittaducale	RI	Lazio
Unimarket	Saronno	VA	Lombardia
Lo.Be.Ca	Lomazzo	CO	Lombardia
Valnegri e Monti	Galbiate	LC	Lombardia
Az. Agr. Negri	Sirone	LC	Lombardia
Pubblico	Travagliato	BS	Lombardia
Pubblico	Montichiari	BS	Lombardia
Pubblico	Carpenedolo	BS	Lombardia
Pubblico	Varzi	PV	Lombardia
Comunale	Agnone	IS	Molise
Comunale	Capracotta	IS	Molise
Finamore Giovanni	Bagnoli del Trigno	IS	Molise
F.Ili Leone	Campobasso	CB	Molise
Ca.Ba. Srl	Bagnoli del Trigno	IS	Molise

Name of establishment	Place	Province	Region
Comunale	Riccia	CB	Molise
Comunale	Bonefro	CB	Molise
Ferrero Carlo	Giaveno	TO	Piemonte
Comunale	Carmagnola	TO	Piemonte
Comunale	Moncalieri	TO	Piemonte
Armand Elio	Cumiana	TO	Piemonte
Comunale	Pomaretto	TO	Piemonte
Mosca Giovanni	Sandigliano	BI	Piemonte
Puliani Silvano	Villette	VB	Piemonte
Coop. Agr. Buschese	Busca	CN	Piemonte
Salumificio Val Ellero	Roccasebaldo	CN	Piemonte
Moretti Renzo	Dogliani	CN	Piemonte
Alpi Care	Magliano Alpi	CN	Piemonte
CMV	Villafalletto	CN	Piemonte
Monferrato Carni	Incisa Scapaccino	AT	Piemonte
Bassa Langa F.lli Merlo SAS	Monastero Bormida	AT	Piemonte
Del Mastro Franca	Cunico	AT	Piemonte
Omegna & Giachino	Cocconato	AT	Piemonte
Pubblico	Asti	AT	Piemonte
Fara Pieraldo	Bosco Marengo	AL	Piemonte
Eredi Roba Massimino	Bistagno	AL	Piemonte
Bagliani Lorenzo & C. S. nc	Novi Ligure	AL	Piemonte
Pubblico	Merano	BZ	Provincia autonoma di Bolzano
Pechlaner Carlo	Collalbo/Renon	BZ	Provincia autonoma di Bolzano
Viehverwertungsgemeinschaft Sarntal	Sarentino	BZ	Provincia autonoma di Bolzano
Comunale	Cles	TN	Provincia autonoma di Trento
Comunale	Castellaneta	TA	Puglia
Comunale	Ginosa	TA	Puglia
Comunale	Mottola	TA	Puglia
Menga	Tuturano	BR	Puglia
Giannello Carmela	Sandonaci	BR	Puglia
MA.LA.CA	Lecce	LE	Puglia
Pubblico	Monopoli	BA	Puglia
Pubblico	Altamura	BA	Puglia
Pubblico	Monteleone	FG	Puglia
Pubblico	Gravina	BA	Puglia
Coop. Nuova Frontiera	Carpino	FG	Puglia
Pubblico	Mandas	CA	Sardegna
Pubblico	Sarule	NU	Sardegna
Comunale	Bitti	N + D60	Sardegna
Comunale	Settimo S.P.	CA	Sardegna
Comunale	Oliena	NU	Sardegna
Comunale	Calangianus	SS	Sardegna
Comunale	Aggius	SS	Sardegna
Cocco Margherita	Buddusu	SS	Sardegna
Comunale	Cabras	OR	Sardegna
Comunale	Uras	OR	Sardegna
Comunale	Samugheo	OR	Sardegna
Comunale	Iglesias	CA	Sardegna
Comunale	Carbonia	CA	Sardegna
Comunale	Fluminimaggiore	CA	Sardegna

Name of establishment	Place	Province	Region
Comunale	Arzachena	SS	Sardegna
Comunale	Villagrande	NU	Sardegna
Comunale	Pozzomaggiore	SS	Sardegna
Comunale	Seneghe	OR	Sardegna
Comunale	Ardara	SS	Sardegna
Comunale	Thiesi	SS	Sardegna
Comunale	Licata	AG	Sicilia
I.S.E	Realmonte	AG	Sicilia
Comunale	Mussomeli	CL	Sicilia
Comunale	Piedimonte Etneo	CT	Sicilia
Comunale	Vizzini	CT	Sicilia
Comunale	Militello Val di Catania	CT	Sicilia
Comunale	Troina	EN	Sicilia
Comunale	Piazza Armerina	EN	Sicilia
Comunale	Castell'Umberto	ME	Sicilia
Comunale	Librizzi	ME	Sicilia
Comunale	Bagheria	PA	Sicilia
Comunale	Belmonte Mezzagno	PA	Sicilia
Comunale	Bisacquino	PA	Sicilia
Comunale	Caccamo	PA	Sicilia
Comunale	Caltavuturo	PA	Sicilia
Comunale	Cefalù	PA	Sicilia
Comunale	Marineo	PA	Sicilia
Comunale	Palermo	PA	Sicilia
Comunale	Valledolmo	PA	Sicilia
Comunale	Ventimiglia	PA	Sicilia
Comunale	Avola	SR	Sicilia
Nutini	Coreglia Antelminelli	LU	Toscana
Pubblico	Pienza	SI	Toscana
Pubblico	Abbadia S. Salvatore	SI	Toscana
Pubblico	Colle Val d'Elsa	SI	Toscana
Fattoria di Rimaggio	Pergine Valdarno	AR	Toscana
Pubblico	Badia Tedalda	AR	Toscana
Pubblico	Monte San Savino	AR	Toscana
M.A.R.I.	Castel del Piano	GR	Toscana
Bonelli Bruno	Castel del Piano	GR	Toscana
Pubblico	Massa Marittima	GR	Toscana
Pubblico	Pitigliano	GR	Toscana
Pubblico	Borgo San Lorenzo	FI	Toscana
Pubblico	Pietrasanta	LU	Toscana
Pubblico	Pontremoli	MS	Toscana
Pubblico	Cecina	LI	Toscana
Comunale	Sigillo	PG	Umbria
Comunale	Marsciano	PG	Umbria
Comunale	Massa Martana	PG	Umbria
Comunale	Norcia	PG	Umbria
Comunale	Gualdo Tadino	PG	Umbria
Comunale	Lugnano in Teverina	TR	Umbria
F.lli Nicco	Donnas	AO	Valle d'Aosta
Coop. Charleston 2 Srl	Brusson	AO	Valle d'Aosta
Magnone Franco	Valtournanche	AO	Valle d'Aosta
Comunale	Longarone	BL	Veneto
Ronzani Gino	Lusiana	VI	Veneto
Consorzio Caseifici Altipiano	Asiago	VI	Veneto

## COMMISSION DECISION

of 3 March 1998

amending Decision 97/660/EC adopting the plan allocating to the Member States resources to be charged to the 1998 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community

(98/203/EC)

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

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community <sup>(1)</sup>, as amended by Regulation (EC) No 2535/95 <sup>(2)</sup>, and in particular Article 6 thereof,

Having regard to Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 267/96 <sup>(4)</sup>, and in particular the first subparagraph of Article 7(1) thereof,

Whereas Commission Decision 97/660/EC <sup>(5)</sup>, as amended by Decision 98/101/EC <sup>(6)</sup>, adopts the plan allocating to the Member States resources to be charged to the 1998 budget year, whereas that plan determines the financial resources made available to implement the 1998 plan in each participating Member State and fixes the quantities of each type of product to be withdrawn from intervention stocks within the limits of those financial resources; whereas the 1998 plan should be adjusted in line with the appropriations allocated by the budget authority at the conclusion of the budget procedure; whereas the intra-Community transfers necessary for the use of those quantities of products should also be author-

ised under the conditions provided for in Article 7 of Regulation (EEC) No 3149/92;

Whereas the measures provided for in this Decision are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS DECISION:

*Article 1*

Points (a) and (b) of the Annex to Decision 97/660/EC are replaced by points (a) and (b) in Annex I to this Decision.

*Article 2*

The intra-Community transfer operations referred to in Annex II shall be authorised.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 3 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 352, 15. 12. 1987, p. 1.

<sup>(2)</sup> OJ L 260, 31. 10. 1995, p. 3.

<sup>(3)</sup> OJ L 313, 30. 10. 1992, p. 50.

<sup>(4)</sup> OJ L 36, 14. 2. 1996, p. 2.

<sup>(5)</sup> OJ L 278, 11. 10. 1997, p. 29.

<sup>(6)</sup> OJ L 23, 30. 1. 1998, p. 36.

## ANNEX I

## Annual distribution plan for 1998

(a) *Financial resources available to carry out the plan in each Member State**(ecus)*

Member State	Allocation
Belgium	3 422 000
Denmark	1 192 000
Greece	15 499 000
Spain	43 416 000
France	30 304 000
Ireland	2 031 000
Italy	51 517 000
Luxembourg	44 000
Portugal	16 451 000
Finland	1 934 000
United Kingdom	29 190 000
Total	195 000 000

(b) *Quantity of each type of product to be withdrawn from intervention stocks for distribution in each Member State up to the maximum amounts indicated in point (a)**(tonnes)*

Member State	Products					
	Cereals	Rice	Olive oil	Milk powder	Butter	Beef/veal
Belgium	4 557			479		500
Denmark						327
Greece		10 000		2 582		1 760
Spain	29 550	8 564		7 149	524	5 340
France	15 000	2 000		6 084		4 000
Ireland					60	500
Italy	35 000	7 200	3 000	9 582		5 000
Portugal	5 690	9 910		4 417		750
Finland	11 390					140
United Kingdom						8 000
Total	101 187	37 674	3 000	30 293	584	26 317



## ANNEX II

## Intra-Community transfers authorised by this Decision

Product	Quantity (tonnes)	Holder	Consignee
1. Beef/veal	140	Intervention Agency, Sweden	Ministry of Agriculture, Finland
2. Beef/veal	1 760	OFIVAL	Ministry of Agriculture, Greece
3. Milk powder	4 417	Department of Agriculture, Ireland	INGA
4. Rice	9 910	FEGA	INGA
5. Cereals	35 000	BLE	AIMA
6. Cereals	4 557	BLE	BIRB