

# Official Journal

## of the European Communities

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 351/98**  
**of 12 February 1998**  
**amending Regulation (EC) No 3359/93 as far as anti-dumping measures on**  
**certain imports of ferro-silicon originating in Brazil are concerned**

THE COUNCIL OF THE EUROPEAN UNION,

**2. Present investigation**

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

**1. Previous investigations**

- (1) Anti-dumping measures on imports of ferro-silicon originating in Brazil have been in force since 1987 when definitive anti-dumping duties were imposed on these imports by Regulation (EEC) No 3650/87<sup>(2)</sup>, with the exception of imports from certain exporters for which either no dumping was found or undertakings had been accepted by the Commission<sup>(3)</sup>.
- (2) Subsequently, in May 1990<sup>(4)</sup> and in May 1992<sup>(5)</sup>, two interim reviews of the measures covering dumping and injury were initiated at the Commission's initiative and at the request of the Community industry respectively. As a result of the most recent of these reviews the definitive anti-dumping duty which is the subject of the present investigation was imposed in 1993 by Council Regulation (EC) No 3359/93<sup>(6)</sup>.

- (3) On 4 July 1996 the Brazilian exporter Companhia Brasileira Carbureto de Calcio lodged a request for an interim review of the anti-dumping measures applicable to it limited to the aspects of dumping pursuant to Article 11(3) of Council Regulation (EC) No 384/96 (hereinafter referred to as the Basic Regulation). The request alleged that the continued imposition of the anti-dumping duties on its exports to the Community was no longer necessary to offset dumping since its export prices were substantially higher than those established in the investigation leading to the existing measures.

Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a notice of initiation<sup>(7)</sup> and commenced an investigation.

- (4) Following the initiation of the review, the Commission received on 7 October 1996 a request from another exporter in Brazil, Cia. de Ferro Ligas da Bahia (Ferbasa), for its inclusion in the scope of the interim review. That company alleged that the continued imposition of the anti-dumping measures was no longer necessary to offset dumping since its present export prices had increased to a level far higher than its normal value during the period between June 1995 to June 1996.

Based on the evidence provided by that company, the Commission decided, after consulting the Advisory Committee, to accept its request and to include it in the scope of the interim review.

<sup>(1)</sup> OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

<sup>(2)</sup> OJ L 343, 5. 12. 1987, p. 1.

<sup>(3)</sup> OJ L 219, 8. 8. 1987, p. 24.

<sup>(4)</sup> OJ C 109, 3. 5. 1990, p. 5.

<sup>(5)</sup> OJ C 115, 6. 5. 1992, p. 2.

<sup>(6)</sup> OJ L 302, 9. 12. 1993, p. 1. Regulation as last amended by Regulation (EC) No 1171/95 (OJ L 118, 25. 5. 1995, p. 7).

<sup>(7)</sup> OJ C 285, 28. 9. 1996, p. 15.

- (5) The Commission officially advised the representatives of the exporting country of the initiation of the interim review and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (6) The Commission sent questionnaires and received detailed information from the two Brazilian exporters concerned.
- (7) The Commission sought and verified all information it deemed necessary for the purpose of a determination of dumping and carried out investigations at the premises of the two following Brazilian exporters:

Cia. Brasileira Carbureto de Cálcio, Santos Dumont (Minas Gerais),

Cia. de Ferro Ligas da Bahia (Ferbasa), Pojuca (Bahia).

- (8) The investigation of dumping covered the period from 1 September 1995 to 31 August 1996 ('the investigation period').

## B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

### 1. Product description

- (9) The product under consideration is the same as in the Regulation subject to review, i.e. ferro-silicon containing between 20 % and 96 % of silicon by weight. The product is used as a deoxidiser in steel manufacture and as an alloying component for high temperature steel alloys and sheet metal.

### 2. Like product

- (10) It was established that the ferro-silicon sold on the Brazilian market and the ferro-silicon exported from Brazil to the Community by the two companies concerned was identical or closely resembling in terms of physical characteristics and end uses. Therefore, all these products were considered a like product in accordance with Article 1(4) of the Basic Regulation.

## C. NORMAL VALUE AND EXPORT PRICE

- (11) In accordance with Article 2(2) of the Basic Regulation, normal value was established on the basis of sales prices of ferro-silicon on the Brazilian domestic market since the domestic sales by each of the two Brazilian exporters concerned exceeded 5 % of their respective export sales to the Community. For one exporter all its domestic sales

were used in the calculation of normal value since all these sales were found to be profitable. For the other exporter only the profitable sales were used in establishing normal value since the number of domestic sales below unit product costs constituted more than 20 % of the total domestic sales, in accordance with Article 2(4) of the Basic Regulation. The profitable sales of this second exporter represented more than 10 % of its total domestic sales.

- (12) Export price was established by reference to the prices actually paid for the ferro-silicon sold for export to independent buyers in the Community, in accordance with Article 2(8) of the Basic Regulation.

## D. COMPARISON

- (13) The weighted average normal value was compared to the weighted average export price of all export transactions to the Community, in accordance with Article 2(11) of the Basic Regulation. The comparison was made on an ex-factory basis and at the same level of trade. For the purpose of ensuring a fair comparison, account was taken, in accordance with Article 2(10) of the Basic Regulation, of differences in factors which were claimed and demonstrated to affect prices and price comparability, i.e. transport, handling, indirect taxes and credit expenses.

## E. DUMPING MARGINS

- (14) The comparison as described above showed no dumping for Cia. Brasileira Carbureto de Cálcio and a *de minimis* dumping margin of 0,4 % for Cia. de Ferro Ligas da Bahia (Ferbasa).

## F. REPEAL OF MEASURES

- (15) In view of the findings of no dumping and respectively a *de minimis* dumping margin for the two Brazilian exporters concerned and as this situation is not considered to be of a short-term nature, measures imposed by Regulation (EC) No 3359/93 on exports of these companies should be repealed by amending that Regulation accordingly.
- (16) The Commission informed the two Brazilian exporters and the liaison committee of the European ferro-alloy industry (Euro Alliages) of the facts and considerations on the basis of which it was intended to propose the repeal of the measures. No comments were received,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1(2) of Regulation (EC) No 3359/93 the figures of 9,2 % and 22,8 % given as the rates of duty applicable to the Brazilian companies Cia. Brasileira Carbureto de Cálcio, Rio de Janeiro and Cia. de Ferro Ligas da Bahia (Ferbasa), Pojuca, Bahia, respectively, shall be replaced by the figure '0,0 %' (additional Taric codes: Cia. Brasileira

Carbureto de Cálcio: 8729; Cia. de Ferro Ligas da Bahia (Ferbasa): 8730).

*Article 2*

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

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

Done at Brussels, 12 February 1998.

*For the Council*

*The President*

J. BATTLE

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**COMMISSION REGULATION (EC) No 352/98**  
**of 13 February 1998**

**amending Regulation (EC) No 1576/97 laying down the reduced agricultural components and additional duties applicable from 1 July to 31 December 1997 to the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 under preferential agreements**

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

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, and in particular Article 7 thereof,

Whereas Article 1 (2) of Commission Regulation (EC) No 1200/95 <sup>(2)</sup>, as amended by Regulation (EC) No 1241/97 <sup>(3)</sup>, lays down the method for calculating reduced agricultural components;

Whereas Council Regulation (EC) No 3/98 of 19 November 1997, amending Regulation (EC) No 1568/97 adopting autonomous and transitional measures for the preferential trade arrangements with Poland, Hungary, Slovakia, the Czech Republic, Romania and Bulgaria in certain processed agricultural products <sup>(4)</sup>, provides for

additional concessions for Poland, the amounts of the reduced agricultural components should be laid down,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts indicated in Annex I to this Regulation shall be added to the amounts indicated in Annex I to Commission Regulation (EC) 1576/97 <sup>(5)</sup> applicable to imports from Poland.

*Article 2*

This Regulation shall enter into force three days after its publication in the *Official Journal of the European Communities*.

It shall apply from 15 September 1997.

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

Done at Brussels, 13 February 1998.

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

<sup>(1)</sup> OJ L 318, 20. 12. 1993, p. 18.

<sup>(2)</sup> OJ L 119, 30. 5. 1995, p. 8.

<sup>(3)</sup> OJ L 173, 1. 7. 1997, p. 76.

<sup>(4)</sup> OJ L 2, 6. 1. 1998, p. 1.

<sup>(5)</sup> OJ L 219, 9. 8. 1997, p. 1.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —  
ANEXO I — LIITE I — BILAGA I

Elementos agrícolas reducidos (EAR) (por 100 kilogramos de peso neto) aplicables, del 1 de septiembre al 31 de diciembre de 1997 inclusive, a la importación en la Comunidad procedente de Polonia

Nedsatte landbrugselementer (EAR) (pr. 100 kg nettovægt), der skal anvendes ved indførsel fra Polen til Fællesskabet fra 1. september til og med 31. december 1997

Ermäßigte Agrarteilbeträge (EAR) (für 100 kg Eigengewicht) bei der Einfuhr aus der Republik Polen in die Gemeinschaft, anwendbar vom 1. September bis 31. Dezember 1997

Μειωμένα γεωργικά στοιχεία (EAR) (για 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Σεπτεμβρίου μέχρι και 31 Δεκεμβρίου 1997 κατά την εισαγωγή στην Κοινότητα από τη Δημοκρατία της Πολωνίας

Reduced agricultural components (EAR) (per 100 kilograms net weight) to be levied from 1 September to 31 December 1997 inclusive, on importation into the Community from the Republic of Poland

Éléments agricoles réduits (EAR) (par 100 kilogrammes poids net) applicables, du 1<sup>er</sup> septembre au 31 décembre 1997 inclus, à l'importation dans la Communauté en provenance de la république de Pologne

Elementi agricoli ridotti (EAR) (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Repubblica di Polonia, dal 1° settembre al 31 dicembre 1997 incluso

Verlaagde agrarische elementen (EAR) (per 100 kg nettogewicht) bij invoer in de Gemeenschap vanuit de Republiek Polen, te heffen van 1 september tot en met 31 december 1997

Elementos agrícolas reducidos (EAR) (por 100 quilogramas de peso líquido) aplicáveis, de 1 de Setembro a 31 de Dezembro de 1997, inclusive, à importação na Comunidade proveniente da República de Polónia

Puolan tasavallasta yhteisöön tulevaan tuontiin 1 päivästä syyskuuta 31 päivään joulukuuta 1997 sovellettavat alennetut maatalousosat (EAR) (100 nettopainokilolta)

Minskade jordbruksbeståndsdelar (EAR) (per 100 kg nettovikt) som skall tillämpas på import från Polen till gemenskapen fr.o.m. den 1 september t.o.m. den 31 december 1997

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
0403 10 51	26,73	1704 90 99	( <sup>o</sup> )	1902 11 00	22,09
0403 10 53	33,42	1806 10 20	19,54	1902 19 10	22,09
0403 10 59	44,26	1806 20 10	( <sup>o</sup> )	1902 19 90	18,94
0403 10 91	3,38	1806 20 30	( <sup>o</sup> )	1902 20 91	5,42
0403 10 93	4,57	1806 20 50	( <sup>o</sup> )	1902 20 99	15,35
0403 10 99	7,00	1806 20 70	( <sup>o</sup> )	1902 30 10	22,09
0403 90 71	26,73	1806 20 80	( <sup>o</sup> )	1902 30 90	8,73
0403 90 73	33,42	1806 20 95	( <sup>o</sup> )	1902 40 10	22,09
0403 90 79	44,26	1806 31 00	( <sup>o</sup> )	1902 40 90	8,73
0403 90 91	3,38	1806 32 10	( <sup>o</sup> )	1903 00 00	11,92
0403 90 93	4,57	1806 32 90	( <sup>o</sup> )	1905 20 10	15,22
0403 90 99	7,00	1806 90 11	( <sup>o</sup> )	1905 20 30	19,96
1704 10 11	21,11	1806 90 19	( <sup>o</sup> )	1905 20 90	24,70
1704 10 19	21,11	1806 90 31	( <sup>o</sup> )	1905 30 11	( <sup>o</sup> )
1704 10 91	23,98	1806 90 39	( <sup>o</sup> )	1905 30 19	( <sup>o</sup> )
1704 10 99	23,98	1806 90 50	( <sup>o</sup> )	1905 30 30	( <sup>o</sup> )
1704 90 30	21,34	1806 90 60	( <sup>o</sup> )	1905 30 51	( <sup>o</sup> )
1704 90 55	( <sup>o</sup> )	1806 90 70	( <sup>o</sup> )	1905 30 59	( <sup>o</sup> )
1704 90 71	( <sup>o</sup> )	1806 90 90	( <sup>o</sup> )		
1704 90 75	( <sup>o</sup> )				



Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
1905 30 91	(*)	1905 90 45	(*)	2008 99 91 <sup>(1)</sup>	2,96
1905 30 99	(*)	1905 90 55	(*)	2101 12 98	(*)
1905 40 10	(*)	1905 90 60	(*)	2101 20 98	(*)
1905 40 90	(*)	1905 90 90	(*)	2101 30 19	11,38
1905 90 20	47,69	2001 90 40 <sup>(1)</sup>	2,96	2101 30 99	20,36
1905 90 30	(*)	2004 10 91	(*)	2106 90 10	20,05
1905 90 40	(*)	2005 20 10	(*)		

(\*) Véase la parte 2 / Se del 2 / Siehe Teil 2 / Βλέπε μέρος 2 / See Part 2 / Voir partie 2 / Vedi parte 2 / Zie deel 2 / Ver parte 2 / Katso osa 2 / Se del 2.

<sup>(1)</sup> Por 100 kg de boniatos, etc. o de maíz escurridos. / Pr. 100 kg afløbne søde kartofler osv. eller majs. / Pro 100 kg Süßkartoffeln usw. oder Mais, abgetropft. / Ανά 100 kg στραγγισμένων γλυκοπατατών κ.λπ. ή καλαμποκιού στραγγισμένου. / Per 100 kilograms of drained sweet potatoes, etc., or maize. / Par 100 kilogrammes de patates douces, etc., ou de maïs égouttés. / Per 100 kg di patate dolci, ecc. o granturco sgocciolati. / Per 100 kg zoete aardappelen enz. of maïs, uitgedropen. / Por 100 kg de batatas-doces, etc., ou de milho, escorridos. / 100:aa kilogrammaa valutettua bataattia jne. tai maissia kohden. / Per 100 kg torkad sötpotatis etc. eller majs.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7000	0,00	7025	7,25	7050	18,71
7001	7,82	7026	15,06	7051	26,53
7002	14,65	7027	21,90	7052	33,37
7003	21,17	7028	28,41	7053	39,88
7004	30,28	7029	37,53	7055	23,02
7005	3,51	7030	11,23	7056	30,83
7006	11,32	7031	19,05	7057	37,67
7007	18,16	7032	25,88	7060	20,05
7008	24,67	7033	32,40	7061	27,86
7009	33,79	7035	15,53	7062	34,70
7010	7,49	7036	23,35	7063	41,21
7011	15,30	7037	30,19	7064	50,33
7012	22,14	7040	11,23	7065	23,55
7013	28,65	7041	19,04	7066	31,37
7015	11,79	7042	25,88	7067	38,21
7016	19,61	7043	32,39	7068	44,72
7017	26,44	7044	41,51	7069	53,84
7020	3,74	7045	14,73	7070	27,54
7021	11,56	7046	22,55	7071	35,35
7022	18,40	7047	29,39	7072	42,19
7023	24,91	7048	35,90	7073	48,70
7024	34,03	7049	45,02	7075	31,84

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7076	39,65	7140	12,68	7203	31,06
7077	46,49	7141	20,50	7204	40,18
7080	39,03	7142	27,34	7205	13,40
7081	46,84	7143	33,85	7206	21,21
7082	53,68	7144	42,97	7207	28,05
7083	60,19	7145	16,19	7208	34,56
7084	69,31	7146	24,00	7209	43,68
7085	42,53	7147	30,84	7210	17,38
7086	50,35	7148	37,36	7211	25,20
7087	57,18	7149	46,47	7212	32,03
7088	63,70	7150	20,17	7213	38,55
7090	46,51	7151	27,99	7215	21,68
7091	54,33	7152	34,83	7216	29,50
7092	61,17	7153	41,34	7217	36,34
7095	50,82	7155	24,47	7220	25,98
7096	58,63	7156	32,29	7221	33,80
7100	0,00	7157	39,13	7260	21,89
7101	9,27	7160	21,50	7261	29,71
7102	16,11	7161	29,32	7262	36,55
7103	22,62	7162	36,16	7263	43,06
7104	31,74	7163	42,67	7264	52,18
7105	4,96	7164	51,79	7265	25,40
7106	12,78	7165	25,01	7266	33,21
7107	19,62	7166	32,83	7267	40,05
7108	26,13	7167	39,66	7268	46,56
7109	35,25	7168	46,18	7269	55,68
7110	8,95	7169	55,29	7270	29,38
7111	16,76	7170	28,99	7271	37,20
7112	23,60	7171	36,81	7272	44,03
7113	30,11	7172	43,65	7273	50,55
7115	13,25	7173	50,16	7275	33,68
7116	21,06	7175	33,29	7276	41,50
7117	27,90	7176	41,11	7300	13,37
7120	5,20	7177	47,95	7301	21,18
7121	13,01	7180	40,48	7302	28,02
7122	19,85	7181	48,30	7303	34,54
7123	26,37	7182	55,14	7304	43,65
7124	35,48	7183	61,65	7305	16,87
7125	8,70	7185	43,99	7306	24,69
7126	16,52	7186	51,80	7307	31,53
7127	23,36	7187	58,64	7308	38,04
7128	29,87	7188	65,15	7309	47,16
7129	38,99	7190	47,97	7310	20,86
7130	12,69	7191	55,79	7311	28,67
7131	20,50	7192	62,62	7312	35,51
7132	27,34	7195	52,27	7313	42,02
7133	33,85	7196	60,09	7315	25,16
7135	16,99	7200	9,89	7316	32,97
7136	24,80	7201	17,71	7317	39,81
7137	31,64	7202	24,55	7320	29,46

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7321	37,28	7476	45,12	7620	43,54
7360	23,84	7500	19,69	7700	32,02
7361	31,65	7501	27,50	7701	39,83
7362	38,49	7502	34,34	7702	46,67
7363	45,00	7503	40,86	7703	53,18
7364	54,12	7504	49,97	7705	35,52
7365	27,34	7505	23,19	7706	43,34
7366	35,16	7506	31,01	7707	50,18
7367	41,99	7507	37,85	7708	56,69
7368	48,51	7508	44,36	7710	39,50
7369	57,63	7509	53,48	7711	47,32
7370	31,32	7510	27,18	7712	54,16
7371	39,14	7511	34,99	7715	43,81
7372	45,98	7512	41,83	7716	51,62
7373	52,49	7513	48,34	7720	30,60
7375	35,63	7515	31,48	7721	38,42
7376	43,44	7516	39,29	7722	45,26
7378	39,93	7517	46,13	7723	51,77
7400	16,78	7520	35,78	7725	34,11
7401	24,59	7521	43,60	7726	41,92
7402	31,43	7560	27,09	7727	48,76
7403	37,94	7561	34,91	7728	55,27
7404	47,06	7562	41,74	7730	38,09
7405	20,28	7563	48,26	7731	45,91
7406	28,10	7564	57,37	7732	52,74
7407	34,94	7565	30,59	7735	42,39
7408	41,45	7566	38,41	7736	50,21
7409	50,57	7567	45,25	7740	39,35
7410	24,27	7568	51,76	7741	47,16
7411	32,08	7570	34,58	7742	54,00
7412	38,92	7571	42,39	7745	42,85
7413	45,43	7572	49,23	7746	50,67
7415	28,57	7575	38,88	7747	57,51
7416	36,38	7576	46,69	7750	46,83
7417	43,22	7600	27,45	7751	54,65
7420	32,87	7601	35,27	7758	16,09
7421	40,68	7602	42,11	7759	23,91
7460	25,51	7603	48,62	7760	48,09
7461	33,33	7604	57,74	7761	55,91
7462	40,17	7605	30,96	7762	62,74
7463	46,68	7606	38,77	7765	51,60
7464	55,80	7607	45,61	7766	59,41
7465	29,02	7608	52,12	7768	19,83
7466	36,83	7609	61,24	7769	27,65
7467	43,67	7610	34,94	7770	55,58
7468	50,18	7611	42,76	7771	63,39
7470	33,00	7612	49,59	7778	27,32
7471	40,82	7613	56,11	7779	35,13
7472	47,65	7615	39,24	7780	56,83
7475	37,30	7616	47,06	7781	64,65

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7785	60,34	7858	19,01	7946	21,04
7786	68,15	7859	26,82	7947	27,87
7788	36,14	7860	4,86	7948	34,39
7789	43,95	7861	12,67	7949	43,50
7798	17,55	7862	19,51	7950	17,20
7799	25,36	7863	26,02	7951	25,02
7800	55,60	7864	35,14	7952	31,86
7801	63,41	7865	8,36	7953	38,37
7802	70,25	7866	16,18	7955	21,50
7805	59,10	7867	23,02	7956	29,32
7806	66,92	7868	29,53	7957	36,16
7807	73,76	7869	38,65	7958	25,81
7808	21,29	7870	12,35	7959	33,62
7809	29,11	7871	20,16	7960	14,09
7810	63,09	7872	27,00	7961	21,90
7811	70,90	7873	33,51	7962	28,74
7818	28,78	7875	16,65	7963	35,25
7819	36,59	7876	24,46	7964	44,37
7820	57,06	7877	31,30	7965	17,59
7821	64,87	7878	20,95	7966	25,41
7822	71,71	7879	28,76	7967	32,25
7825	60,56	7900	6,80	7968	38,76
7826	68,38	7901	14,62	7969	47,88
7827	75,21	7902	21,45	7970	21,58
7828	37,60	7903	27,97	7971	29,39
7829	45,41	7904	37,09	7972	36,23
7830	64,54	7905	10,31	7973	42,74
7831	72,36	7906	18,12	7975	25,88
7838	37,98	7907	24,96	7976	33,69
7840	2,91	7908	31,47	7977	40,53
7841	10,73	7909	40,59	7978	30,18
7842	17,57	7910	14,29	7979	37,99
7843	24,08	7911	22,10	7980	21,86
7844	33,20	7912	28,94	7981	29,67
7845	6,42	7913	35,46	7982	36,51
7846	14,23	7915	18,59	7983	43,03
7847	21,07	7916	26,41	7984	52,14
7848	27,59	7917	33,24	7985	25,36
7849	36,70	7918	22,89	7986	33,18
7850	10,40	7919	30,71	7987	40,02
7851	18,22	7940	9,72	7988	46,53
7852	25,06	7941	17,53	7990	29,35
7853	31,57	7942	24,37	7991	37,16
7855	14,70	7943	30,88	7992	44,00
7856	22,52	7944	40,00	7995	33,65
7857	29,36	7945	13,22	7996	41,46

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

Importes de los derechos adicionales sobre el azúcar (AD S/Z) y sobre la harina (AD F/M) (por 100 kilogramos de peso neto) aplicables a la importación en la Comunidad procedente de Polonia, del 1 de septiembre al 31 de diciembre de 1997 inclusive

Tillægstold for sukker (AD S/Z) og for mel (AD F/M) (pr. 100 kg nettovægt), der skal anvendes ved indførsel til Fællesskabet fra Polen fra 1. september til og med 31. december 1997

Beträge der Zusatzzölle für Zucker (AD S/Z) und für Mehl (AD F/M) (für 100 kg Nettogewicht) bei der Einfuhr aus der Republik Polen in die Gemeinschaft für die Zeit vom 1. September bis einschließlich 31. Dezember 1997

Ποσά πρόσθετων δασμών στη ζάχαρη (AD S/Z) και στο αλεύρι (AD F/M) (για 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Σεπτεμβρίου μέχρι και 31 Δεκεμβρίου 1997 κατά την εισαγωγή στην Κοινότητα από τη Δημοκρατία της Πολωνίας

Amounts of additional duties on sugar (AD S/Z) and on flour (AD F/M) (per 100 kilograms net weight) applicable on importation into the Community from the Republic of Poland from 1 September to 31 December 1997 inclusive

Montants des droits additionnels sur le sucre (AD S/Z) et sur la farine (AD F/M) (par 100 kilogrammes poids net) applicables à l'importation dans la Communauté en provenance de la République de Pologne, du 1<sup>er</sup> septembre au 31 décembre 1997 inclus

Importi dei dazi aggiuntivi sullo zucchero (AD S/Z) e sulla farina (AD F/M) (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Repubblica di Polonia, dal 1<sup>o</sup> settembre al 31 dicembre 1997 incluso

Bedragen der aanvullende invoerrechten op suiker (AD S/Z) en op meel (AD F/M) (per 100 kg nettogewicht), geldend bij invoer in de Gemeenschap vanuit de Republiek Polen, van 1 september tot en met 31 december 1997

Montantes dos direitos adicionais sobre o açúcar (AD S/Z) e sobre a farinha (AD F/M) (por 100 quilogramas de peso líquido) aplicáveis na importação na Comunidade proveniente da República da Polónia, de 1 de Setembro a 31 de Dezembro de 1997, inclusive

Puolan tasavallasta yhteisöön tuotavaan sokeriin (AD S/Z) ja jauhoihin (AD F/M) (100 nettopainokilolta) 1 päivästä syyskuuta 31 päivään joulukuuta 1997 sovellettavat lisätullit

Tilläggstull för socker (AD S/Z) och för mjöl (AD F/M) (per 100 kg nettovikt) som skall utgå på import från Polen till gemenskapen fr.o.m. den 1 september t.o.m. den 31 december 1997

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	AD S/Z	AD F/M
		ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
1704 90 30 1704 90 55	14,65 (*)	

(\*) Véase la parte 2 / Se del 2 / Siehe Teil 2 / Βλέπε μέρος 2 / See Part 2 / Voir partie 2 / Vedi parte 2 / Zie deel 2 / Ver parte 2 / Katso osa 2 / Se del 2.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Contenido en sacarosa, azúcar invertido y/o isoglucosa Indhold af saccharose, invertsukker og/eller isoglucose Gehalt an Saccharose, Invertzucker und/oder Isoglucose Περιεκτικότητα σε ζαχαρόζη, ιμμερτοποιημένο ζάχαρο ή/και ισογλυκόζη Weight of sucrose, invert sugar and/or isoglucose Teneur en saccharose, sucre interverti et/ou isoglucose Tenore del saccarosio, dello zucchero invertito e/o dell'isoglucosio Gehalte aan saccharose, invertsuiker en/of isoglucose Teor de sacarose, açúcar invertido e/ou isoglicose Sakkaroosipitoisuus, inverttisokeri ja/tai isoglukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z
> = 00 — < 05 > = 05 — < 30 > = 30 — < 50 > = 50 — < 70 > = 70	0,00 7,82 14,65 21,17 30,28

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glukose Περιεκτικότητα σε παντός είδους άμυλα ή/και γλυκόζη Weight of starch or glucose Teneur en amidon ou fécule et/ou glucose Tenore dell'amido, della fecola e/o del glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Tärkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M
> = 00 — < 05 > = 05 — < 25 > = 25 — < 50 > = 50 — < 75 > = 75	0,00 3,51 7,49 11,79 16,09

**COMMISSION REGULATION (EC) No 353/98**  
**of 13 February 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 Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 1998.

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

<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 February 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	204	38,6
	212	106,4
	624	185,9
	999	110,3
0707 00 05	052	124,3
	999	124,3
0709 10 00	220	167,8
	999	167,8
0709 90 70	052	143,6
	204	152,8
	999	148,2
0805 10 10, 0805 10 30, 0805 10 50	052	44,8
	204	42,2
	212	40,9
	220	45,9
	600	52,9
	624	72,0
	999	49,8
	999	80,3
0805 20 10	204	80,3
	999	80,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,1
	204	66,0
	464	82,7
	600	75,3
	624	82,0
	662	47,6
	999	68,9
	999	68,9
0805 30 10	052	78,1
	204	53,5
	400	61,7
	600	71,2
	999	66,1
0808 10 20, 0808 10 50, 0808 10 90	060	47,3
	400	89,1
	404	100,9
	720	84,7
	728	81,1
	999	80,6
	999	80,6
0808 20 50	064	97,4
	388	94,7
	400	110,7
	528	102,8
	999	101,4

<sup>(1)</sup> 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 354/98

of 13 February 1998

**fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender 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 pursuant to 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 fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2097/97 is hereby fixed on the basis of the tenders submitted from 9 to 12 February 1998 at ECU 321 per tonne.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 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. 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 355/98

of 13 February 1998

**fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender 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 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 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 fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2098/97 is hereby fixed on the basis of the tenders submitted from 9 to 12 February 1998 at ECU 97 per tonne.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 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 356/98

of 13 February 1998

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender 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 fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2095/97 is hereby fixed on the basis of the tenders submitted from 9 to 12 February 1998 at ECU 118 per tonne.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 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. 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 357/98

of 13 February 1998

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender 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 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 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 fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2096/97 is hereby fixed on the basis of the tenders submitted from 9 to 12 February 1998 at ECU 107 per tonne.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 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 358/98

of 13 February 1998

## setting the final reference amounts for producers of soya beans, rape or colza seed and sunflower seed for the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by Regulation (EC) No 2309/97 <sup>(2)</sup>, and in particular Article 12 thereof,

Whereas Article 5(1)(d) of Regulation (EEC) No 1765/92 provides that the Commission is to calculate a final regional reference amount based on the observed reference price for oil seeds, by substituting the observed reference price for the projected reference price; whereas the Commission has determined the observed reference price using the data provided pursuant to Commission Regulation (EC) No 3405/93 <sup>(3)</sup>;

Whereas Article 5(1)(e) of Regulation (EEC) No 1765/92 specifies that if the area of land for which the crop specific oil seed compensatory payment is made, after the application of Article 2(6) of that Regulation, exceeds the maximum guaranteed area (MGA), the final regional reference amounts shall be reduced; whereas Article 5(1)(f) of Regulation (EEC) No 1765/92 specifies that the final regional reference amounts shall be reduced by 1 % for every 1 % by which the MGA has been exceeded; whereas the reduction of final regional reference amounts shall be restricted to those Member States which have exceeded their national reference area (NRA), reduced by 10 %; whereas the weighted average reduction applied in these Member States shall be equal to the reduction necessary at the level of the MGA; whereas the reductions applied in Member States should reflect their contribution towards the total overshoot of the MGA;

Whereas the ceiling applicable to irrigated soya in France laid down in Article 7 of Commission Regulation (EC) No 658/96 <sup>(4)</sup>, as last amended by Regulation (EC) No 1779/97 <sup>(5)</sup>, has not been exceeded; whereas, in accordance with the first sentence of the sixth subparagraph of

Article 3(1) of Regulation (EEC) No 1765/92, there is no need to reduce the final regional reference amounts;

Whereas pursuant to Article 3(6) of Regulation (EEC) No 1765/92 the compensatory payments for the 1997/98 marketing year are to be multiplied by a coefficient of 0,994 in the case of France as laid down in Commission Regulation (EC) No 1719/97 <sup>(6)</sup>;

Whereas the producers received an advance payment at the level established in Article 2 of Commission Regulation (EC) No 1394/97 <sup>(7)</sup>;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A succinct explanation of the calculation of the final regional reference amounts referred to in Article 5(3) of Regulation (EEC) No 1765/92 is set out in Annex I.
2. The final regional reference amounts for the 1997/98 marketing year shall be as set out in Annex II.
3. In calculating the compensatory payment to be made to producers of oil seeds referred to in Article 11(4) of Regulation (EEC) No 1765/92, the competent authority shall take account of:
  - any reduction in the producer's eligible area and the level of the compensatory payment,
  - any advance payment made in accordance with Article 2 of Regulation (EC) No 1394/97.

*Article 2*

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

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ L 321, 22. 11. 1997, p. 3.

<sup>(3)</sup> OJ L 310, 14. 12. 1993, p. 10.

<sup>(4)</sup> OJ L 91, 12. 4. 1996, p. 46.

<sup>(5)</sup> OJ L 252, 16. 9. 1997, p. 18.

<sup>(6)</sup> OJ L 242, 4. 9. 1997, p. 32.

<sup>(7)</sup> OJ L 190, 19. 7. 1997, p. 31.

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

Done at Brussels, 13 February 1998.

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

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## ANNEX I

**Succinct explanation of the calculation of the corrected final regional reference amount for producers of oilseeds in the 1997/98 marketing year**

- I. Adjustment of support payments pursuant to Article 5(1)(d) of Regulation (EEC) No 1765/92. Final regional reference amounts.
- The observed reference price for oilseeds, which represents the average price recorded on the markets during the 1997/98 marketing year, has been assessed at ECU 235,636 per tonne. This observed reference price has been calculated on the basis of offers and prices reported by Member States in accordance with Regulation (EC) No 3405/93.
  - The level of the observed reference price is such that it is necessary to reduce the projected level of compensatory payments by 11 %, pursuant to Article 5 of Regulation (EEC) No 1765/92. The final regional reference amounts will be established at a level 11 % lower than the projected regional reference amounts laid down in Regulation (EC) No 1394/97.
- II. Adjustment of support payments pursuant to Article 5(1)(e) of Regulation (EEC) No 1765/92. Correction of final regional reference amounts.
- After the application of Article 2(6) of Regulation (EEC) No 1765/92, the areas of land for which crop specific oilseed payments have been made are such that the MGA has been overshoot by 3 %.
  - The reductions applied to the final regional reference amounts as a consequence of the overshoot of the national reference areas less 10 % are as follows:

(%)

Greece	0,56
France	2,89
Ireland	3,35
Italy	10,23
United Kingdom	6,62

3. The weighted average reduction of support in the MGA covering Community production is as follows:

	A Percentage reduction of support applied for	B Area benefiting from crop specific compensatory payments	C = A × B Reduction of support expressed in hectare equivalents of support
Greece	0,56	23 824	133
France	2,89	1 714 148	49 539
Ireland	3,35	5 036	169
Italy	10,23	722 690	73 931
United Kingdom	6,62	438 787	29 048
Total			152 820

4. The total reduction in support necessary pursuant to Article 5(1)(f) in the MGA covering Community production, expressed in hectare equivalents of support, is:

Percentage overshoot of MGA: 3 %.

Area benefiting from crop specific compensatory payments within the MGAs: 5 089 569 ha.

Total reduction of support necessary, expressed in hectare equivalents of support:

3 % of 5 089 569 ha = 152 687

5. The aggregate reduction in support given in point II(4) is equal to the total reduction of support necessary to respect the conditions of Article 5(1)(f) of Regulation (EEC) No 1765/92.

## ANNEX II

## Final regional reference amounts — 1997/98

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)
België/Belgique:	Polders/Polders	Oil seeds	2,40	392,35
	Leemstreek/Limoneuse	Oil seeds	3,31	541,12
	Zandleemstreek/Sablo-limoneuse	Oil seeds	3,12	510,06
	Condroz/Condroz	Oil seeds	3,07	501,89
	Weidestreek/Herbagère	Oil seeds	3,03	495,35
	Zandstreek/Sablonneuse	Oil seeds	2,85	465,92
	Kempen/Campine	Oil seeds	2,72	444,67
	Famenne/Famenne	Oil seeds	2,97	485,54
	Fagnes/Fagnes	Oil seeds	3,15	514,96
	Ardenennen/Ardenne	Oil seeds	2,99	488,81
	Jurastreek/Jurassique	Oil seeds	3,38	552,57
	Hen. Kempen/Campine-Hennuyère	Cereals	6,44	540,14
	Hoge Ardenennen/Haute Ardenne	Cereals	3,77	316,20
	Danmark:		Oil seeds	2,700
Deutschland:	Schleswig-Holstein	Oil seeds	3,380	552,57
	Hamburg	Oil seeds	3,070	501,89
	Bremen	Oil seeds	3,130	511,70
	Niedersachsen:			
	— Regions 1-9	Oil seeds	3,060	500,25
	— Region 10	Oil seeds	3,440	562,37
	Nordrhein-Westfalen	Oil seeds	3,110	508,43
	Hessen	Oil seeds	3,100	506,79
	Rheinland-Pfalz	Oil seeds	2,850	465,92
	Baden-Württemberg	Oil seeds	2,970	485,54
	Bayern	Oil seeds	3,180	519,87
	Saarland	Oil seeds	2,700	441,40
	Berlin	Oil seeds	2,680	438,13
	Brandenburg:			
	— Region 1	Oil seeds	3,440	562,37
	— Region 2	Oil seeds	2,680	438,13
	Mecklenburg-Vorpommern	Oil seeds	3,440	562,37
	Sachsen	Oil seeds	2,960	483,90
	Sachsen-Anhalt	Oil seeds	2,670	436,49
	Thüringen	Oil seeds	2,870	469,19
Ελλάδα:	— Region 1	Oil seeds	1,900	308,87
	— Region 2	Oil seeds	2,200	357,64
España:	Non-irrigated:			
	1	Cereals	0,900	75,49
	2	Cereals	1,200	100,65
	3	Cereals	1,500	125,81
	4	Cereals	1,800	150,97
	5	Cereals	2,000	167,75
	6	Cereals	2,200	184,52
	7	Cereals	2,500	209,68
	8	Cereals	2,700	226,46
	9	Cereals	3,200	268,39
	10	Cereals	3,700	310,33
11	Cereals	4,100	343,88	



Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)
	Irrigated:			
	1	Cereals	3,000	251,62
	2	Cereals	3,100	260,01
	3	Cereals	3,200	268,39
	4	Cereals	3,400	285,17
	5	Cereals	3,500	293,55
	6	Cereals	3,600	301,94
	7	Cereals	3,700	310,33
	8	Cereals	3,800	318,72
	9	Cereals	3,900	327,10
	10	Cereals	4,000	335,49
	11	Cereals	4,100	343,88
	12	Cereals	4,200	352,27
	13	Cereals	4,300	360,65
	14	Cereals	4,400	369,04
	15	Cereals	4,500	377,43
	16	Cereals	4,600	385,82
	17	Cereals	4,700	394,20
	18	Cereals	4,800	402,59
	19	Cereals	4,900	410,98
	20	Cereals	5,000	419,36
	21	Cereals	5,100	427,75
	22	Cereals	5,200	436,14
	23	Cereals	5,300	444,53
	24	Cereals	5,400	452,91
	25	Cereals	5,500	461,30
	26	Cereals	5,700	478,08
	27	Cereals	5,800	486,46
	28	Cereals	5,900	494,85
	29	Cereals	6,100	511,62
	30	Cereals	6,200	520,01
	31	Cereals	6,300	528,40
	32	Cereals	6,400	536,79
	33	Cereals	6,600	553,56
	34	Cereals	7,100	595,50
	35	Cereals	8,200	687,76
	36	Cereals	8,300	696,14
France:	Zone I: — Soja Non-irrigated Irrigated — Colza/Tournesol Zone II: — Soja Non-irrigated Irrigated — Colza/Tournesol	Cereals Cereals Cereals Cereals Cereals Cereals Cereals Cereals	5,930 8,120 6,023 4,680 8,770 5,554	482,99 661,37 490,57 381,18 714,31 452,37
Ireland:		Oil seeds	3,300	521,41
Italia:	Torino montagna interna Torino collina interna Torino pianura Vercelli — Biella montagna interna Vercelli — Biella collina interna Vercelli — Biella pianura Novara — Verbanò — Cusio — Ossola montagna interna Novara — Verbanò — Cusio — Ossola collina interna Novara pianura Cuneo montagna interna Cuneo collina interna	Cereals Oil seeds Oil seeds Cereals Oil seeds Oil seeds Cereals Cereals Oil seeds Oil seeds Oil seeds Oil seeds	2,224 3,612 4,399 4,853 4,233 4,826 3,731 3,744 4,488 3,762 3,877	167,45 530,09 645,58 365,40 621,22 708,25 280,92 549,46 658,64 552,10 568,98

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)
	Cuneo pianura	Oil seeds	4,187	614,47
	Asti collina interna	Oil seeds	3,254	477,55
	Asti pianura	Oil seeds	3,409	500,29
	Alessandria montagna interna	Oil seeds	3,550	520,99
	Alessandria collina interna	Oil seeds	3,384	496,63
	Alessandria pianura	Oil seeds	3,359	492,96
	Aosta montagna interna	Cereals	2,328	175,28
	Varese montagna interna	Oil seeds	3,950	579,69
	Varese collina interna	Oil seeds	3,437	504,40
	Varese pianura	Oil seeds	3,244	476,08
	Como — Lecco subz. 1 montagna interna	Cereals	6,652	500,85
	Como — Lecco subz. 1 collina interna	Oil seeds	3,541	519,67
	Como pianura	Oil seeds	4,167	611,54
	Sondrio montagna interna	Cereals	4,793	360,88
	Milano collina interna	Oil seeds	4,349	638,25
	Milano — Lodi pianura	Oil seeds	4,662	684,18
	Bergamo — Lecco subz. 2 montagna interna	Cereals	3,817	287,39
	Bergamo — Lecco subz. 2 collina interna	Oil seeds	4,375	642,06
	Bergamo pianura	Oil seeds	5,000	733,78
	Brescia montagna interna	Cereals	5,469	411,78
	Brescia collina interna	Oil seeds	5,000	733,78
	Brescia pianura	Oil seeds	5,000	733,78
	Pavia montagna interna	Oil seeds	3,377	495,60
	Pavia collina interna	Oil seeds	3,578	525,10
	Pavia pianura	Oil seeds	4,194	615,50
	Cremona pianura	Oil seeds	4,737	695,19
	Mantova collina interna	Oil seeds	4,620	678,02
	Mantova pianura	Oil seeds	5,000	733,78
	Bolzano montagna interna	Cereals	1,848	139,14
	Trento montagna interna	Cereals	4,374	329,33
	Verona montagna interna	Oil seeds	5,000	733,78
	Verona collina interna	Oil seeds	4,715	691,96
	Verona pianura	Oil seeds	4,972	729,67
	Vicenza montagna interna	Oil seeds	4,439	651,45
	Vicenza collina interna	Oil seeds	5,000	733,78
	Vicenza pianura	Oil seeds	4,817	706,93
	Belluno montagna interna	Oil seeds	3,499	513,50
	Treviso collina interna	Oil seeds	4,422	648,96
	Treviso pianura	Oil seeds	4,640	680,95
	Venezia pianura	Oil seeds	4,688	688,00
	Padova collina interna	Oil seeds	4,044	593,48
	Padova pianura	Oil seeds	4,300	631,05
	Rovigo pianura	Oil seeds	4,502	660,70
	Udine montagna interna	Cereals	4,320	325,26
	Udine collina interna	Oil seeds	4,159	610,36
	Udine pianura	Oil seeds	4,552	668,04
	Gorizia collina interna	Oil seeds	4,049	594,22
	Gorizia pianura	Oil seeds	4,517	662,90
	Trieste pianura	Cereals	4,879	367,35
	Pordenone montagna interna	Oil seeds	3,012	442,03
	Pordenone collina interna	Oil seeds	3,570	523,92
	Pordenone pianura	Oil seeds	4,150	609,04
	Imperia montagna interna	Cereals	3,372	253,89
	Imperia collina interna	Cereals	3,372	253,89
	Imperia collina litoranea	Cereals	3,372	253,89
	Savona montagna interna	Cereals	3,372	253,89
	Savona montagna litoranea	Cereals	3,372	253,89
	Savona collina interna	Cereals	3,372	253,89
	Savona collina litoranea	Cereals	3,372	253,89
	Genova montagna interna	Cereals	3,372	253,89
	Genova montagna litoranea	Cereals	3,372	253,89
	Genova collina interna	Cereals	3,372	253,89
	Genova collina litoranea	Cereals	3,372	253,89
	La Spezia montagna interna	Cereals	3,372	253,89
	La Spezia collina interna	Cereals	3,372	253,89
	La Spezia collina litoranea	Cereals	3,372	253,89
	Piacenza montagna interna	Cereals	3,676	276,78
	Piacenza collina interna	Oil seeds	3,607	529,35

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)
	Piacenza pianura	Oil seeds	3,895	571,62
	Parma montagna interna	Oil seeds	3,631	532,87
	Parma collina interna	Oil seeds	3,693	541,97
	Parma pianura	Oil seeds	3,808	558,85
	Reggio Emilia montagna interna	Cereals	3,188	240,03
	Reggio Emilia collina interna	Oil seeds	2,989	438,66
	Reggio Emilia pianura	Oil seeds	4,124	605,23
	Modena montagna interna	Cereals	3,834	288,67
	Modena collina interna	Oil seeds	3,599	528,18
	Modena pianura	Oil seeds	4,209	617,70
	Bologna montagna interna	Cereals	4,360	328,28
	Bologna collina interna	Oil seeds	3,277	480,92
	Bologna pianura	Oil seeds	3,890	570,88
	Ferrara pianura	Oil seeds	4,590	673,61
	Ravenna collina interna	Oil seeds	3,366	493,98
	Ravenna pianura	Oil seeds	3,644	534,78
	Forlì montagna interna	Cereals	2,828	212,93
	Forlì — Rimini collina interna	Oil seeds	3,190	468,15
	Forlì — Rimini collina litoranea	Oil seeds	3,125	458,62
	Forlì — Rimini pianura	Oil seeds	3,426	502,79
	Massa Carrara montagna interna	Cereals	5,659	426,08
	Massa Carrara montagna litoranea	Cereals	7,970	600,08
	Massa Carrara collina interna	Cereals	5,952	448,14
	Lucca montagna litoranea	Cereals	5,320	400,56
	Lucca montagna interna	Cereals	3,437	258,78
	Lucca pianura	Oil seeds	3,135	460,08
	Pistoia montagna interna	Oil seeds	3,536	518,93
	Pistoia collina interna	Oil seeds	3,495	512,92
	Firenze — Prato montagna interna	Oil seeds	2,971	436,01
	Firenze — Prato collina interna	Oil seeds	2,695	395,51
	Firenze pianura	Oil seeds	2,873	421,63
	Livorno collina litoranea	Oil seeds	3,089	453,33
	Pisa collina interna	Oil seeds	2,850	418,26
	Pisa collina litoranea	Oil seeds	2,848	417,96
	Pisa pianura	Oil seeds	2,947	432,49
	Arezzo montagna interna	Oil seeds	2,967	435,43
	Arezzo collina interna	Oil seeds	2,816	413,27
	Siena montagna interna	Oil seeds	2,560	375,70
	Siena collina interna	Oil seeds	3,027	444,23
	Grosseto montagna interna	Oil seeds	2,478	363,66
	Grosseto collina interna	Oil seeds	3,013	442,18
	Grosseto collina litoranea	Oil seeds	2,961	434,55
	Grosseto pianura	Oil seeds	3,040	446,14
	Perugia montagna interna	Oil seeds	2,964	434,99
	Perugia collina interna	Oil seeds	3,003	440,71
	Terni montagna interna	Oil seeds	3,837	563,11
	Terni collina interna	Oil seeds	3,103	455,39
	Pesaro Urbino montagna interna	Oil seeds	2,979	437,19
	Pesaro Urbino collina interna	Oil seeds	3,005	441,00
	Pesaro Urbino collina litoranea	Oil seeds	3,066	449,96
	Ancona montagna interna	Oil seeds	3,099	454,80
	Ancona collina interna	Oil seeds	3,122	458,17
	Ancona collina litoranea	Oil seeds	3,160	463,75
	Macerata montagna interna	Oil seeds	3,075	451,28
	Macerata collina interna	Oil seeds	3,218	472,26
	Macerata collina litoranea	Oil seeds	3,207	470,65
	Ascoli Piceno montagna interna	Cereals	3,446	259,46
	Ascoli Piceno collina interna	Oil seeds	3,054	448,20
	Ascoli Piceno collina litoranea	Oil seeds	3,067	450,10
	Viterbo collina interna	Oil seeds	3,027	444,23
	Viterbo pianura	Oil seeds	3,239	475,35
	Rieti montagna interna	Oil seeds	3,352	491,93
	Rieti collina interna	Oil seeds	3,186	467,57
	Roma montagna interna	Oil seeds	3,016	442,62
	Roma collina interna	Oil seeds	3,114	457,00
	Roma collina litoranea	Oil seeds	3,138	460,52
	Roma pianura	Oil seeds	3,133	459,79

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)
	Latina montagna interna	Oil seeds	2,662	390,67
	Latina collina interna	Oil seeds	3,637	533,75
	Latina collina litoranea	Cereals	4,697	353,65
	Latina pianura	Oil seeds	3,398	498,68
	Frosinone montagna interna	Oil seeds	2,401	352,36
	Frosinone collina interna	Oil seeds	3,305	485,03
	L'Aquila montagna interna	Oil seeds	3,038	445,85
	Teramo montagna interna	Oil seeds	2,849	418,11
	Teramo collina interna	Oil seeds	3,003	440,71
	Teramo collina litoranea	Oil seeds	3,104	455,53
	Pescara montagna interna	Cereals	3,323	250,20
	Pescara collina interna	Oil seeds	2,976	436,75
	Pescara collina litoranea	Oil seeds	3,108	456,12
	Chieti montagna interna	Cereals	2,443	183,94
	Chieti collina interna	Oil seeds	2,850	418,26
	Chieti collina litoranea	Oil seeds	3,098	454,65
	Campobasso montagna interna	Oil seeds	2,875	421,93
	Campobasso collina interna	Oil seeds	2,981	437,48
	Campobasso collina litoranea	Oil seeds	2,983	437,78
	Isernia montagna interna	Cereals	3,005	226,25
	Isernia collina interna	Cereals	3,788	285,21
	Caserta montagna interna	Oil seeds	4,000	587,03
	Caserta collina interna	Oil seeds	2,712	398,00
	Caserta collina litoranea	Oil seeds	3,237	475,05
	Caserta pianura	Oil seeds	3,176	466,10
	Benevento collina interna	Oil seeds	2,763	405,49
	Benevento montagna interna	Oil seeds	2,941	431,61
	Napoli collina interna	Oil seeds	3,560	522,45
	Napoli collina litoranea	Cereals	5,316	400,26
	Napoli pianura	Cereals	8,209	618,08
	Avellino montagna interna	Oil seeds	2,901	425,74
	Avellino collina interna	Cereals	3,809	286,79
	Salerno montagna interna	Cereals	1,842	138,69
	Salerno collina interna	Oil seeds	3,760	551,81
	Salerno collina litoranea	Cereals	2,087	157,14
	Salerno pianura	Oil seeds	3,656	536,54
	Foggia montagna interna	Oil seeds	2,898	425,30
	Foggia collina interna	Oil seeds	2,897	425,15
	Foggia collina litoranea	Cereals	2,485	187,10
	Foggia pianura	Oil seeds	2,901	425,74
	Bari collina interna	Oil seeds	2,916	427,94
	Bari pianura	Cereals	1,535	115,57
	Taranto collina litoranea	Oil seeds	3,121	458,03
	Taranto pianura	Oil seeds	2,783	408,42
	Brindisi collina litoranea	Cereals	1,154	86,89
	Brindisi pianura	Oil seeds	3,970	582,62
	Lecce pianura	Oil seeds	3,637	533,75
	Potenza montagna interna	Cereals	1,611	121,30
	Potenza montagna litoranea	Cereals	1,601	120,54
	Potenza collina interna	Oil seeds	2,458	360,73
	Matera montagna interna	Oil seeds	2,444	358,67
	Matera collina interna	Oil seeds	2,508	368,07
	Matera pianura	Oil seeds	2,788	409,16
	Cosenza montagna interna	Oil seeds	4,000	587,03
	Cosenza montagna litoranea	Cereals	1,632	122,88
	Cosenza collina interna	Oil seeds	2,758	404,76
	Cosenza collina litoranea	Cereals	1,451	109,25
	Cosenza pianura	Oil seeds	3,185	467,42
	Catanzaro — Crotona — Vibo Valentia montagna interna	Oil seeds	3,375	495,30
	Catanzaro — Crotona — Vibo Valentia collina interna	Cereals	2,074	156,16
	Catanzaro — Crotona — Vibo Valentia collina litoranea	Cereals	1,861	140,12
	Catanzaro — Crotona pianura	Cereals	1,664	125,29
	Reggio Calabria montagna interna	Cereals	1,702	128,15
	Reggio Calabria montagna litoranea	Cereals	1,612	121,37

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)	
	Reggio Calabria collina litoranea	Cereals	1,697	127,77	
	Reggio Calabria pianura	Cereals	2,678	201,63	
	Trapani collina interna	Cereals	1,706	128,45	
	Trapani collina litoranea	Cereals	1,606	120,92	
	Trapani pianura	Cereals	1,606	120,92	
	Palermo montagna interna	Cereals	1,918	144,41	
	Palermo montagna litoranea	Cereals	1,610	121,22	
	Palermo collina interna	Cereals	1,584	119,26	
	Palermo collina litoranea	Cereals	1,556	117,16	
	Palermo pianura	Cereals	1,507	113,47	
	Messina montagna interna	Cereals	1,278	96,22	
	Messina montagna litoranea	Cereals	1,222	92,01	
	Messina collina litoranea	Cereals	1,289	97,05	
	Agrigento montagna interna	Cereals	1,669	125,66	
	Agrigento collina interna	Cereals	1,512	113,84	
	Agrigento collina litoranea	Cereals	1,333	100,37	
	Agrigento pianura	Cereals	1,667	125,51	
	Caltanissetta collina interna	Cereals	1,333	100,37	
	Caltanissetta collina litoranea	Cereals	1,080	81,32	
	Caltanissetta pianura	Cereals	1,027	77,33	
	Enna montagna interna	Cereals	1,100	82,82	
	Enna collina interna	Oil seeds	2,397	351,78	
	Catania montagna interna	Oil seeds	2,922	428,82	
	Catania montagna litoranea	Cereals	5,000	376,46	
	Catania collina interna	Oil seeds	2,326	341,36	
	Catania collina litoranea	Oil seeds	2,575	377,90	
	Catania pianura	Oil seeds	2,509	368,21	
	Ragusa collina interna	Cereals	2,200	165,64	
	Ragusa collina litoranea	Cereals	2,584	194,56	
	Ragusa pianura	Cereals	3,590	270,30	
	Siracusa collina interna	Cereals	1,362	102,55	
	Siracusa collina litoranea	Oil seeds	2,700	396,24	
	Siracusa pianura	Oil seeds	2,625	385,24	
	Sassari montagna interna	Cereals	1,750	131,76	
	Sassari collina interna	Cereals	1,667	125,51	
	Sassari collina litoranea	Cereals	1,752	131,91	
	Sassari pianura	Oil seeds	3,999	586,88	
	Nuoro montagna interna	Cereals	1,350	101,65	
	Nuoro collina interna	Cereals	1,536	115,65	
	Nuoro collina litoranea	Cereals	1,772	133,42	
	Cagliari collina interna	Oil seeds	4,000	587,03	
	Cagliari collina litoranea	Oil seeds	4,000	587,03	
	Cagliari pianura	Oil seeds	3,904	572,94	
	Oristano collina interna	Oil seeds	2,991	438,95	
	Oristano pianura	Oil seeds	4,000	587,03	
Luxembourg:		Oil seeds	2,700	441,40	
Nederland:	1	Cereals	7,100	595,50	
	2	Cereals	5,000	419,36	
Österreich:		Oil seeds	2,74	447,94	
Portugal:	Sequeiro	S-C.1	Cereals	1,550	130,00
		S-C.2	Cereals	1,100	92,26
		S-C.3	Cereals	2,150	180,33
		S-C.4	Cereals	3,500	293,55
		S-C.5	Cereals	2,750	230,65
		S-M.1	Cereals	2,000	167,75
		S-A.1	Cereals	3,800	318,72

Member State	Region	Reference	Yield (t/ha)	Final reference amount (ECU/ha)	
	Regadio	R-C.1	Cereals	8,500	712,92
		R-C.2	Cereals	7,000	587,11
		R-C.3	Cereals	4,400	369,04
		R-C.4	Cereals	2,400	201,29
		R-C.5	Cereals	7,200	603,88
		R-C.6	Cereals	5,200	436,14
		R-C.7	Cereals	5,800	486,46
		R-C.8	Cereals	4,600	385,82
		R-C.9	Cereals	3,300	276,78
		R-M.1	Cereals	4,400	369,04
Suomi:		Oil seeds	1,59	259,93	
Sverige:	Zone 1	Oil seeds	2,674	437,15	
	Zone 2	Oil seeds	2,259	369,30	
	Zone 3	Cereals	4,147	347,82	
	Zone 4	Cereals	3,626	304,12	
	Zone 5	Cereals	2,875	241,13	
United Kingdom:	England	Oil seeds	3,080	470,19	
	Wales	Oil seeds	3,140	479,35	
	Northern Ireland	Oil seeds	2,920	445,76	
	Scotland (LFA)	Oil seeds	2,840	433,55	
	Scotland (remainder)	Oil seeds	3,450	526,67	

**COMMISSION REGULATION (EC) No 359/98  
of 13 February 1998**

**fixing the maximum buying-in price and the quantities of beef to be bought in  
under the 197th 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 197th 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 slaughtering 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 197th 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 251,4 per 100 kg of carcasses or half-carcasses of quality R3,
  - the maximum quantity of carcasses and half-carcasses accepted shall be 1 225 tonnes,
  - the quantities offered at a price less than or equal to ECU 251,4 shall be multiplied by a coefficient of 30 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

*Article 2*

This Regulation shall enter into force on 16 February 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 February 1998.

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

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**COMMISSION REGULATION (EC) No 360/98**  
**of 13 February 1998**

**fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the third 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 third 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.

No award shall be made as regards the sale of butter from intervention stocks.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 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 350, 20. 12. 1997, p. 3.

## ANNEX

to the Commission Regulation of 13 February 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the third 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	—	113
	Butter < 82 %		112	108	—	—
	Concentrated butter		144	140	144	140
	Cream		—	—	50	48
Processing security	Butter		129	—	—	—
	Concentrated butter		158	—	158	—
	Cream		—	—	55	—

**COMMISSION REGULATION (EC) No 361/98**  
**of 13 February 1998**  
**amending Regulation (EC) No 265/98 on the supply of milk products as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security<sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas Commission Regulation (EC) No 265/98<sup>(2)</sup> issued an invitation to tender for the supply, as food aid, of milk products; whereas some of the conditions specified in the Annex to that Regulation should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

Note 5 of the Annex to Regulation (EC) No 265/98 is replaced by the following:

(<sup>1</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:

- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation (A2: UHT treatment: 110 °C/228" or 114 °C/130" or 120 °C/60" or 140 °C/25"), the temperature and duration in the spray-drying-tower and the expiry date for consumption,
- veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.'

*Article 2*

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

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

Done at Brussels, 13 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 166, 5. 7. 1996, p. 1.

<sup>(2)</sup> OJ L 25, 31. 1. 1998, p. 63.

## COMMISSION REGULATION (EC) No 362/98

of 13 February 1998

amending Regulation (EC) No 1459/97 opening a standing invitation to tender for the export of rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

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 Article 5 thereof,

*Article 1*

Article 8(2) of Regulation (EC) No 1459/97 is hereby replaced by the following:

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

'2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

Whereas Commission Regulation (EC) No 1459/97<sup>(5)</sup>, as amended by Regulation (EC) No 218/98<sup>(6)</sup>, opens a standing invitation to tender for the export of rye held by the German intervention agencies; whereas the second indent of Article 8(2) of Regulation (EC) No 1459/97 lays down conditions for the release of securities which are more restrictive than those laid down in Article 17(3) of Regulation (EEC) No 2131/93, as amended by Regulation (EC) No 120/94<sup>(7)</sup>; whereas such securities may be released more rapidly in the case of export by sea, without requiring proof of entry for consumption;

Article 15(2) of Commission Regulation (EEC) No 3002/92<sup>(1)</sup> notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the rye removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies the proof referred to in Article 17(3) of Regulation (EEC) No 2131/93.

<sup>(1)</sup> OJ L 301, 17.10.1992, p. 17.'

Whereas no distinction should be made between operations carried out under the same invitation to tender; whereas, therefore, the early release of the security for exports by sea already carried out under the invitation to tender opened by Regulation (EC) No 1459/97 should be applied retroactively;

*Article 2*

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

It shall apply with effect from 26 July 1997 for all export licences issued under the invitation to tender opened by Regulation (EC) No 1459/97.

<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 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 199, 26. 7. 1997, p. 15.

<sup>(6)</sup> OJ L 22, 29. 1. 1998, p. 19.

<sup>(7)</sup> OJ L 21, 26. 1. 1994, p. 1.

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

Done at Brussels, 13 February 1998.

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

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**COMMISSION REGULATION (EC) No 363/98**  
**of 13 February 1998**  
**amending representative prices and additional duties for the import of certain**  
**products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 1143/97 <sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 <sup>(5)</sup>, as last amended by Regulation (EC) No 321/98 <sup>(6)</sup>;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 February 1998.

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

Done at Brussels, 13 February 1998.

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

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<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ L 165, 24. 6. 1997, p. 11.

<sup>(5)</sup> OJ L 173, 1. 7. 1997, p. 3.

<sup>(6)</sup> OJ L 33, 7. 2. 1998, p. 19.

## ANNEX

to the Commission Regulation of 13 February 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	24,41	4,09
1701 11 90 <sup>(1)</sup>	24,41	9,33
1701 12 10 <sup>(1)</sup>	24,41	3,90
1701 12 90 <sup>(1)</sup>	24,41	8,90
1701 91 00 <sup>(2)</sup>	25,24	12,74
1701 99 10 <sup>(2)</sup>	25,24	8,09
1701 99 90 <sup>(2)</sup>	25,24	8,09
1702 90 99 <sup>(3)</sup>	0,25	0,40

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 364/98**  
**of 13 February 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 February 1998.

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

Done at Brussels, 13 February 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	41,15	31,15
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	41,15	31,15
	medium quality	57,19	47,19
	low quality	65,92	55,92
1002 00 00	Rye	72,45	62,45
1003 00 10	Barley, seed	72,45	62,45
1003 00 90	Barley, other <sup>(3)</sup>	72,45	62,45
1005 10 90	Maize seed other than hybrid	83,62	73,62
1005 90 00	Maize other than seed <sup>(3)</sup>	83,62	73,62
1007 00 90	Grain sorghum other than hybrids for sowing	72,45	62,45

<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 30 January 1998 to 12 February 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)	126,75	118,05	114,09	98,45	208,33 <sup>(1)</sup>	116,44 <sup>(1)</sup>
Gulf premium (ECU/tonne)	20,98	13,64	8,87	6,82	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

<sup>(1)</sup> Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,06 per tonne; Great Lakes — Rotterdam: ECU 24,11 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).

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 26 January 1998

**concerning the conclusion of an Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation and of an Agreed Minute between Canada and the European Community concerning the signing of the said Agreement**

(98/142/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 100a in conjunction with the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

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

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the Council's Decision of June 1996 laying down negotiating Directives and authorising the Commission to negotiate an agreement on humane trapping standards with Canada, the Russian Federation, the United States of America and any other country interested,

Whereas Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards <sup>(3)</sup>, and in particular the second indent of Article 3(1) thereof, refers to internationally agreed humane trapping standards with which trapping methods used by third countries that have not prohibited leghold traps must conform in order for

them to be able to export pelts and products manufactured from certain species to the Community;

Whereas no international humane trapping standard had been established on 1 January 1996; whereas this situation meant that third countries had no way of guaranteeing that the methods used on their territory for trapping the species listed in Annex I to Regulation (EEC) No 3254/91 complied with internationally agreed humane trapping standards;

Having regard to the proposal for a Regulation amending Regulation (EEC) No 3254/91 forwarded to the Council on 12 January 1996;

Whereas the Agreement attached to this Decision is consistent with the negotiating Directives referred to above; whereas it therefore satisfies the concept of internationally agreed humane trapping standards referred to in the second indent of Article 3(1) of Regulation (EEC) No 3254/91;

Whereas the Agreement's main purpose is to lay down harmonised technical standards offering a sufficient level of protection to the welfare of trapped animals and governing both the production and use of traps, and to facilitate trade between the Parties in traps, pelts and products manufactured from species covered by the Agreement;

Whereas implementation of the Agreement requires a timetable to be established for testing and certifying the conformity of traps with the standards laid down by the Agreement and for the replacement of uncertified traps;

<sup>(1)</sup> OJ C 207, 8. 7. 1997, p. 14.

<sup>(2)</sup> OJ C 14, 19. 1. 1998.

<sup>(3)</sup> OJ L 308, 9. 11. 1991, p. 1.

Whereas, pending the entry into force of the Agreement between the three Parties, it is necessary that the Agreement be applied as soon as possible between Canada and the European Community;

Whereas the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation and the Agreed Minute between Canada and the European Community concerning the signing of the Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation and the Agreed Minute between

Canada and the European Community concerning the signing of the Agreement are hereby approved.

The texts of the Agreement and of the Agreed Minute are attached to this Decision along with the declarations to be lodged when the Agreement is signed.

*Article 2*

The President of the Council shall deposit the instrument of conclusion provided for in Article 17(2) of the Agreement.

Done at Brussels, 26 January 1998.

*For the Council*

*The President*

R. COOK

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**AGREED MINUTE****between Canada and the European Community concerning the signing of the Agreement on international humane trapping standards**

CANADA AND THE EUROPEAN COMMUNITY,

NOTING their desire to sign the Agreement on international humane trapping standards (the Agreement), set out in the Annex to this Minute, between Canada, the European Community and the Russian Federation in its authenticated version,

RECOGNISING the invaluable contribution of the Russian Federation to the trilateral negotiations and the successful conclusion of the Agreement, and

CONVINCED that it is necessary to apply the Agreement as soon as possible between Canada and the European Community,

DESIRING the participation, at the earliest possible date, of the Russian Federation as a Party to the Agreement,

HEREBY:

INVITE the Russian Federation to sign the Agreement at its earliest convenience, and

AGREE that


- pending its entry into force between the three parties, the Agreement will apply between Canada and the European Community on a bilateral basis as from a date to be agreed between them within a period of 30 days following the date of deposit of the instruments of ratification, conclusion or adoption of Canada and the European Community,
- the Russian version of the Agreement will be authentic only as from the date of the entry into force of the Agreement between the three parties.

Done at Brussels, in English, 15 December 1997, in two originals.

*For the European Community*



*For the Government of Canada*



## AGREEMENT

### on international humane trapping standards between the European Community, Canada and the Russian Federation

THE EUROPEAN COMMUNITY,

THE GOVERNMENT OF CANADA,

and

THE GOVERNMENT OF THE RUSSIAN FEDERATION,

parties to this Agreement (the 'Parties'),

RECALLING their deep commitment to the development of international humane trapping standards that are based on scientific research as well as empirical and practical evidence;

REAFFIRMING that each Party has, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit its own resources pursuant to its own environmental and developmental policies and that each Party is responsible for conserving its biological diversity and for using its biological resources in a sustainable manner;

ACKNOWLEDGING that the sustainable use of wild animals for human benefit is in keeping with the principles of the World Conservation Strategy, the World Commission on Environment and Development and the United Nations Conference on Environment and Development;

NOTING the commitment, also undertaken by the Member States of the International Union for the Conservation of Nature and Natural Resources (IUCN) at its 18th General Assembly in resolution 18.25, to eliminate as soon as practicable the use of inhumane traps;

RECOGNISING that the process of developing international humane standards for the trapping of mammals undertaken by ISO, the International Organisation for Standardisation, in 1987, is not yet complete;

ACKNOWLEDGING that a primary purpose of any international technological standard is to, *inter alia*, improve communication and facilitate trade;

ACKNOWLEDGING the considerable research carried out, in particular in Canada, the United States of America, the Russian Federation and the European Community, towards the evolution of more humane, practical trapping methods;

UNDERSCORING the considerable work carried out by the working group on the development of international humane trapping standards that was composed of experts from Canada, the United States of America, the Russian Federation and the European Community;

APPRECIATING that, despite the absence of international humane trapping standards, a number of jurisdictions have followed different approaches and introduced legislation to improve trapping methods and the welfare of wild animals; and

RECOGNISING that the internal constitutional and institutional rules of each Party determine the primary authority for the implementation of the humane trapping standards within its jurisdiction,

AGREE AS FOLLOWS:

#### *Article 1*

#### Definitions

For the purpose of this Agreement:

*Traps* means both killing and restraining mechanical capturing devices, as appropriate.

*Trapping methods* means traps and their setting conditions (e.g. target species, positioning, lure, bait and natural environmental conditions).

*Humane trapping methods* means the traps certified by competent authorities that are in conformity with the

humane trapping standards (the 'Standards', found in Annex I to this Agreement) and used in the setting conditions specified by the manufacturers.

#### *Article 2*

#### Objectives

The objectives of this Agreement are to:

- (a) establish standards on humane trapping methods;

- (b) improve communication and cooperation between the Parties for the implementation and development of these standards; and
- (c) facilitate trade between the Parties.

#### *Article 3*

##### **Scope**

This Agreement applies to trapping methods and the certification of traps for the trapping of wild terrestrial or semi-aquatic mammals listed in Annex I for:

- (a) wildlife management purposes including pest control;
- (b) obtaining fur, skin or meat; and
- (c) the capture of mammals for conservation.

#### *Article 4*

##### **Obligations under other international agreements**

1. Nothing in this Agreement affects the rights and obligations of those Parties that are members of the World Trade Organisation (WTO) under the Marrakesh Agreement establishing the World Trade Organisation.

2. For Parties that are not members of the WTO, nothing in this Agreement affects their rights and obligations under bilateral agreements listed in Annex II between the Parties.

#### *Article 5*

##### **Existing measures**

A Party may continue to prohibit the use, in its territory, of traps that had been prohibited for use at the date of entry into force of this Agreement.

#### *Article 6*

##### **International cooperation**

Without prejudice to Article 9, the Parties agree to:

- (a) cooperate with one another directly, or through competent international organisations, in respect of matters of mutual interest related to this Agreement; and
- (b) develop and enhance multilateral cooperation in the field of humane trapping methods on the basis of mutual benefits and the desire to facilitate trade.

#### *Article 7*

##### **Commitment of the Parties**

Each Party shall take the necessary steps, in accordance with the schedule in Annex I, to ensure that its respective competent authorities:

- (a) establish appropriate processes for certifying traps in accordance with the Standards;

- (b) ensure that the trapping methods conducted in their respective territories are in accordance with the Standards;
- (c) prohibit the use of traps that are not certified in accordance with the Standards<sup>(1)</sup>; and
- (d) require manufacturers to identify certified traps and provide instructions for their appropriate setting, safe operation and maintenance.

#### *Article 8*

##### **Implementation of the Standards**

In implementing the Standards, each competent authority of the Parties should use its best efforts to ensure that:

- (a) appropriate processes are in place for:
  - (i) granting or removing permission for the use of traps, and
  - (ii) enforcing legislation on humane trapping methods;
- (b) trappers are trained in the humane, safe and effective use of trapping methods, including new methods as these are developed; and,
- (c) the trap testing guidelines as set out in Annex I are taken into account when establishing domestic certification processes.

#### *Article 9*

##### **Ongoing development of the Standards**

The Parties shall:

- (a) promote and encourage research aimed at the ongoing development of the Standards; and
- (b) re-evaluate and update Annex I, the first time three years after the entry into force of this Agreement, using in particular the results of the research referred to in paragraph (a).

#### *Article 10*

##### **Derogations**

1. Derogations to the commitments referred to in Article 7 may be granted by the competent authority on a case-by-case basis, provided that they are not applied in a manner that would undermine the objectives of the Agreement, for any of the following purposes:

<sup>(1)</sup> The Parties agree that Article 7 does not prevent individuals from constructing and using traps, provided that such traps comply with designs approved by the relevant competent authority.

- (a) the interests of public health and safety;
- (b) protection of public and private property;
- (c) research, education, repopulation, reintroduction, breeding or for the protection of fauna and flora; and
- (d) using traditional wooden traps essential for preserving cultural heritage of indigenous communities.

2. Derogations granted under paragraph 1 must be accompanied by written reasons and conditions.

3. The Parties shall notify the Joint Management Committee in writing of the derogations granted under paragraph 1 and the written reasons and conditions referred to in paragraph 2.

#### *Article 11*

##### **Notification and exchange of information**

1. The Parties shall regularly exchange information on all matters related to their implementation of this Agreement. They shall inform each other of the progress of the work done concerning the evaluation of the traps carried out in the application of the schedule set forth in Annex I, on related research and on certified traps.

2. The Parties shall notify each other of the competent authorities that are responsible for the implementation of this Agreement.

#### *Article 12*

##### **Mutual Recognition**

1. A Party may authorise the use in its territory of traps certified by another Party. Any refusal must be justified in writing.

2. Each Party shall recognise the trapping methods of any other Party as equivalent if the other Party's trapping methods meet the Standards.

#### *Article 13*

##### **Trade in fur and fur products between the Parties**

1. Without prejudice to Article 15 and paragraph 2 of this Article, and the relevant provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973, no Party may impose trade restrictive measures on fur and fur products originating from any other Party.

2. At the point of importation into its customs territory, a Party may request a certificate of origin that:

- (a) certifies that the furs or furs incorporated into products to be imported have been obtained from

animals that are caught or farmed in the territory of any other Party; and

- (b) includes a reference to a documentation of origin issued by the competent authorities.

#### *Article 14*

##### **Joint Management Committee**

1. The Parties shall establish a Joint Management Committee (the 'Committee') comprising representatives of the Parties. The Committee may consider any matters relating to this Agreement.

2. The Committee shall meet within 12 months after the date of entry into force of this Agreement. The Committee shall meet periodically thereafter or at the request of any Party. The Committee may also address issues between its meetings by correspondence. The Committee shall adopt its rules of procedure at its first meeting.

3. Decisions of the Committee shall be reached by consensus.

4. The Committee may, from time to time, establish *ad hoc* scientific and technical expert working groups to make recommendations to the Committee regarding:

- (a) any scientific and technical matters;
- (b) questions of interpretation as proposed by the Parties; and
- (c) recommendations on the resolution of disagreements.

5. The Committee may propose to the Parties amendments to this Agreement, taking into account, as appropriate, the relevant recommendations of expert working groups.

#### *Article 15*

##### **Settlement of disputes**

1. The Parties shall endeavour to arrive at a mutually satisfactory resolution of any matter that may affect the operation of this Agreement through negotiations. Where the Parties concerned are unable to resolve their differences, the Committee shall be convened, at the request of one of the Parties, for discussion and resolution. The Committee, when addressing the issue put to its consideration, may establish, if appropriate, an *ad hoc* scientific and/or technical working group in accordance with Article 14.4 of this Agreement.

2. If the Committee fails to resolve the dispute within 90 days, on the request of the complaining Party an Arbitration Body shall be established pursuant to Annex III.

3. The Arbitration Body may issue rulings in respect of any dispute concerning the interpretation and application by the Party complained against of the Agreement.



4. The Arbitration Body shall not exceed the terms of reference agreed to by the Parties and shall not issue a ruling beyond the scope provided for in this Article.

5. This Article is applicable *mutatis mutandis* to cases where there is more than one complaining or responding Party.

#### *Article 16*

##### **Accession**

Any country may accede to this Agreement, subject to the terms and conditions as may be agreed between such country and the Parties.

#### *Article 17*

##### **Final provisions**

1. The Annexes are an integral part of this Agreement.

2. This Agreement enters into force 60 days following the date of the deposit of the last instrument of ratification, conclusion or adoption, according to the rules applicable for each Party.

3. This Agreement is not self-executing. Each Party shall implement the commitments and obligations arising from this Agreement in accordance with its internal procedures.

4. Amendments to this Agreement may be proposed by the Committee, or by any Party at any time. Any amendment agreed to by the Parties enters into force on the day following the deposit of the last instrument of ratification, conclusion or adoption of the agreed amendment, according to the rules applicable for each Party.

5. A Party may withdraw from this Agreement by giving at least six months' notice in writing. In such an event, the obligations under this Agreement as regards the withdrawing Party shall come to an end on the expiry of the period of notice.

6. This Agreement is drawn up in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Russian languages, all texts being equally authentic. This Agreement will be deposited in the archives of the Secretariat General of the Council of the European Union, which shall deliver a certified copy thereof to each Party.

## ANNEXES TO THE AGREEMENT ON INTERNATIONAL HUMANE TRAPPING STANDARDS

### ANNEX I

#### PART I: THE STANDARDS

#### 1. AIMS, PRINCIPLES AND GENERAL CONSIDERATIONS OF THE STANDARDS

##### 1.1. Aims

The aim of the Standards is to ensure a sufficient level of welfare of trapped animals, and to further improve this welfare.

##### 1.2. Principles

1.2.1. In the evaluation of whether or not a trapping method is humane, the welfare of a trapped animal must be assessed.

1.2.2. The principle for deciding that a trapping method is humane is that it meets the threshold requirements in Sections 2 and 3.

1.2.3. It is assumed in setting the Standards that traps should be selective, efficient and in compliance with the relevant requirements for human safety of each Party.

##### 1.3. General considerations

1.3.1. Welfare of animals is indicated by measures of the extent of ease or difficulty in their coping with the environment and the extent of failure to cope with their environment. Since animals vary in the methods that they use to try to cope with their environment, a range of measures should be used when assessing their welfare.

Indications of welfare of trapped animals include those of physiology, injury and behaviour. Since some of these indicators have not been studied for a variety of species, further scientific studies will be necessary to set thresholds under these Standards, as appropriate.

Although welfare can vary widely, the term 'humane' is used only for those trapping methods where the welfare of the animals concerned is maintained at a sufficient level, although it is acknowledged that in certain situations with killing traps there will be a short period of time during which the level of welfare may be poor.

1.3.2. The thresholds established in the Standards for the certification of traps include:

(a) for restraining traps: the level of indicators beyond which the welfare of trapped animals is considered poor; and

(b) for killing traps: the time to unconsciousness and insensibility and the maintenance of this state until death of the animal.

1.3.3. Notwithstanding that the trapping methods must meet the requirements of Sections 2.4 and 3.4, consideration should be given to continuing the improvement of the design and setting of traps, in particular to:

(a) improving the welfare of animals trapped in restraining traps during the period of restraint;

(b) producing rapid onset of unconsciousness and insensibility of animals trapped in killing traps; and

(c) minimising the capture of non-target animals.

#### 2. REQUIREMENTS FOR RESTRAINING TRAPPING METHODS

##### 2.1. Definition

'Restraining trapping methods' means traps designed and set with the intention of not killing the trapped animal, but restraining its movements to such an extent that a human can make direct contact with it.

**2.2. Parameters**

- 2.2.1. In the evaluation of whether or not a restraining trapping method meets these Standards the welfare of an animal that is trapped must be assessed.
- 2.2.2. The parameters must include indicators of behaviour and injury listed in paragraphs 2.3.1 and 2.3.2.
- 2.2.3. The magnitude of responses for each of those parameters must be assessed.

**2.3. Indicators**

- 2.3.1. Behavioral indicators recognised as indicators of poor welfare in trapped wild animals are:

- (a) self-directed biting leading to severe injury (self-mutilation);
- (b) excessive immobility and unresponsiveness.

- 2.3.2. Inquiries recognised as indicators of poor welfare in trapped wild animals are:

- (a) fracture;
- (b) joint luxation proximal to the carpus or tarsus;
- (c) severance of a tendon or ligament;
- (d) major periosteal abrasion;
- (e) severe external haemorrhage or haemorrhage into an internal cavity;
- (f) major skeletal muscle degeneration;
- (g) limb ischaemia;
- (h) fracture of a permanent tooth exposing pulp cavity;
- (i) ocular damage including corneal laceration;
- (j) spinal cord injury;
- (k) severe internal organ damage;
- (l) myocardial degeneration;
- (m) amputation;
- (n) death.

**2.4. Thresholds**

A restraining trapping method would meet the Standards if:

- (a) the number of specimens of the same target species from which the data are derived is at least 20; and
- (b) at least 80 % of these animals show none of the indicators listed in paragraphs 2.3.1 and 2.3.2.

**3. REQUIREMENTS FOR KILLING TRAPPING METHODS****3.1. Definition**

'Killing trapping methods' means traps designed and set with the intention of killing a trapped animal of the target species.

**3.2. Parameters**

- 3.2.1. The time of occurrence of unconsciousness and insensibility produced by the killing technique must be determined and the maintenance of this state until death must be checked (i.e., until heart function has ceased irreversibly).
- 3.2.2. Unconsciousness and insensibility must be monitored by checking corneal and palpebral reflexes or any other scientifically proven suitable substitute parameter<sup>(1)</sup>.

<sup>(1)</sup> In cases where further tests are necessary to determine if the trapping method meets the standards, additional electroencephalogram (EEG), visual evoked response (VER), and sound evoked response (SER) measurements may be made.

## 3.3. Indicators and time limits

Time limit to loss of corneal and palpebral reflexes	Species
45 seconds	<i>Mustela erminea</i>
120 seconds	<i>Martes americana</i> <i>Martes zibellina</i> <i>Martes martes</i>
300 seconds <sup>(1)</sup>	All other species set out in paragraph 4.1.

(1) The Committee will evaluate the time limit at the three-year review referred to in Article 9(b), where data warrant such action, to adapt the time limit requirement on a species-by-species basis, with a view to lowering the 300 second time limit to 180 seconds, and to define a reasonable time-frame for implementation.

## 3.4. Thresholds

A killing trapping method would meet the Standards if:

- (a) the number of specimens of the same target species from which the data are derived is at least 12; and
- (b) at least 80 % of these animals are unconscious and insensible within the time limit, and remain in this state until death.

## PART II: LIST OF SPECIES AND IMPLEMENTATION SCHEDULE

## 4. LIST OF SPECIES REFERRED TO IN ARTICLE 3 OF THE AGREEMENT AND THE IMPLEMENT SCHEDULE

## 4.1. Species list

The Standards apply to the following species:

<i>Common name:</i>	<i>Species</i>
Coyote	<i>Canis latrans</i>
Wolf	<i>Canis lupus</i>
Beaver (North American)	<i>Castor canadensis</i>
Beaver (European)	<i>Castor fiber</i>
Bobcat	<i>Felix rufus</i>
Otter (North American)	<i>Lutra canadensis</i>
Otter (European)	<i>Lutra lutra</i>
Lynx (North American)	<i>Lynx canadensis</i>
Lynx (European)	<i>Lynx lynx</i>
Marten	<i>Martes americana</i>
Fisher	<i>Martes pennanti</i>
Sable	<i>Martes zibellina</i>
Pine Marten	<i>Martes martes</i>
Badger (European)	<i>Meles meles</i>
Ermine	<i>Mustela erminea</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Muskrat	<i>Ondatra zibethicus</i>
Raccoon	<i>Procyon lotor</i>
Badger (North American)	<i>Taxidea taxus</i>

Additional species will be included in the future as appropriate.

#### 4.2. Implementation schedule

- 4.2.1. As referred to in Article 7 of the Agreement, trapping methods must be tested to demonstrate their conformity with these Standards, and certified as such by the competent authorities of the Parties, within:
- (a) for restraining trapping methods, three to five years after the entry into force of the Agreement, depending on the testing priorities and availability of testing facilities; and
  - (b) for killing trapping methods, five years after the entry into force of the Agreement.
- 4.2.2. In accordance with Article 7 of the Agreement, within three years after the end of the periods referred to in 4.2.1 the use of traps that are not certified in accordance with these Standards must be prohibited by the respective competent authorities of the Parties.
- 4.2.3. Where a competent authority determines that the results of trap testing do not support the certification of traps for specific species or under specific environmental conditions, a competent authority may continue to permit the use of traps on an interim basis while research continues to identify replacement traps. The competent authority shall give prior notification to the other Parties to the Agreement of the traps to be authorised for interim use and the status of the research programme.

### PART III: GUIDELINES

#### 5. GUIDELINES FOR THE TESTING OF TRAPS AND RESEARCH ON THE ONGOING DEVELOPMENT OF TRAPPING METHODS

To ensure accuracy and reliability, and to demonstrate that trapping methods fulfil the requirements set out in the Standards studies for testing those trapping methods should follow the general principles of good experimental practices.

In the event that testing procedures are established under the framework of ISO, the International Organisation for Standardisation, and that such procedures are relevant for the assessment of the conformity of trapping methods with some or all the requirements of the Standards, the ISO procedures shall be used as appropriate.

##### 5.1. General guidelines

- 5.1.1. Tests should be performed according to comprehensive study protocols.
- 5.1.2. The functioning of the trap mechanism should be tested.
- 5.1.3. Testing of traps in the field should be carried out in particular for the assessment of selectivity. This test can also be used to collect data on capture efficiency and user safety.
- 5.1.4. Restraining traps should be tested in a compound, in particular to evaluate behaviour and physiological parameters. Killing traps should be tested in a compound, in particular to identify unconsciousness.
- 5.1.5. In the field tests, traps should be checked daily.
- 5.1.6. The effectiveness of the killing traps to render the target animal unconscious and kill it should be tested on conscious, mobile animals, by laboratory or compound and field measurements. The ability of the trap to strike the target animal at vital locations should be evaluated.
- 5.1.7. The order of testing procedures may be varied to ensure the most effective evaluation of the traps to be tested.
- 5.1.8. Traps should not expose the operator to undue hazard under normal use.
- 5.1.9. If appropriate, a broader range of measures should be checked when testing traps. Field testing should include studies of the effects of trapping on both target and non-target species.

**5.2. Study situation**

- 5.2.1. The trap should be set and used according to the best advice from manufacturers or others on how to do so.
- 5.2.2. For compound testing, a compound should be used that provides a suitable environment for the animals of the target species to move freely, hide and show most normal behaviour. It should be possible to set traps and monitor trapped animals. The trap should be set so that video and sound recording can be made of the whole trapping episode.
- 5.2.3. For field testing, sites should be selected that are representative of those that will be used in practice. Since the selectivity of the trap and any possible adverse effects of the trap on non-target species are important reasons for field testing, sites for field testing may need to be chosen in different habitats where different non-target species are likely to be encountered. Pictures of each trap and its set and of the general environment should be taken. The trap identification number should be made a part of the photographic record before and after a strike.

**5.3. Study personnel**

- 5.3.1. Test personnel should be appropriately qualified and trained.
- 5.3.2. Among the test personnel there should be at least one person experienced in the use of the traps, and capable of trapping the animals used in the test and at least one person experienced in each of the methods of welfare assessment for restraining traps and in methods of assessing unconsciousness for killing traps. For example, the assessment of behavioural responses to trapping and of aversiveness should be done in particular by a trained person who is familiar with the interpretation of such data.

**5.4. Animals to be used in trap testing**

- 5.4.1. Compound test animals should be in good health and representative of those that are likely to be caught in the wild. The animals used should not have prior trapping experience of the trap being tested.
- 5.4.2. Prior to the testing of traps, animals should be housed in appropriate conditions and provided with adequate food and water. Animals should not be housed in a manner that might in itself result in poor welfare.
- 5.4.3. Animals should be acclimatised to the testing compound prior to the start of the test.

**5.5. Observations****5.5.1. Behaviour**

- 5.5.1.1. Behavioural observations should be made by a trained person, particularly in reference to the knowledge of the ethology of the species.
- 5.5.1.2. Aversiveness can be assessed by trapping the animal in a readily recognised situation, then re-exposing the animal to the trap in the appropriate situation and evaluating its behaviour.
- 5.5.1.3. Care should be taken to distinguish responses to additional stimuli from responses to the trap or the situation.

**5.5.2. Physiology**

- 5.5.2.1. Some animals should be fitted with telemetric recorders (e.g., to record heart rate, respiratory rate) before testing. Such fitting should occur long enough before trapping for the animal to recover from any disturbance caused by having been fitted with such recorders.
- 5.5.2.2. All precautions should be taken to limit inadequate or biased observations and parameters, especially those due to human interference when sampling.
- 5.5.2.3. When biological sampling (e.g., of blood, urine, saliva) is performed, it should be done at times relevant to the trapping event and the time-dependent considerations of the parameter being evaluated. Control data from animals kept elsewhere in good conditions and for different activities, baseline data before the trapping event occurs, and some reference data after extreme stimulations (e.g., a challenge test with adrenocorticotrophic hormone) should also be collected.
- 5.5.2.4. All biological samples should be taken and stored according to the best knowledge to ensure conservation before analysis.

- 5.5.2.5. Analytical methods used should be validated.
- 5.5.2.6. For killing traps, when neurological examinations using reflexes (such as pain or eyes) are performed in combination with the measurement of an EEG and/or VERs or SERs, they should be done by an expert, to provide relevant information concerning the consciousness of the animal of the effectiveness of the killing technique.
- 5.5.2.7. When the animals are not unconscious and insensible within the time described in the test protocol, they should be killed in a humane way.
- 5.5.3. *Injuries and pathology*
- 5.5.3.1. Each test animal should be carefully examined so as to assess any injury. Radiographic examination should be conducted to confirm possible fractures.
- 5.5.3.2. Further detailed pathological examination of dead animals should be carried out. Post-mortem examination should be performed in accordance with accepted veterinary examination practices by an experienced veterinarian.
- 5.5.3.3. The affected organs or/and regions should be examined macroscopically, and histologically if appropriate.
- 5.6. **Report**
- 5.6.1. The study report should contain all relevant information about the experimental design, materials and methods, and results, in particular:
- the technical description of the trap design including construction material;
  - manufacturers' instructions for use;
  - the description of the test situation;
  - weather conditions, in particular temperature and snow depth;
  - the test personnel;
  - the number of animals and traps tested;
  - the total number of captured target and non-target animals of each species, and their relative abundance expressed as rare, common or abundant in that area;
  - selectivity;
  - details of any evidence that the trap was activated and injured an animal that was not caught;
  - behavioural observations;
  - values of each physiological parameter measured and methodologies;
  - description of injuries and post-mortem examinations;
  - time to loss of consciousness and sensibility; and
  - statistical analyses.

#### PART IV: RESEARCH

### 6. RESEARCH PROGRAMMES TO IMPROVE THE SCOPE OF THE STANDARDS

An appropriate range of measures of the welfare of animals that are trapped must be assessed when testing trapping systems. While such measures, in particular additional behavioural and physiological measures, have not been developed and used for a variety of species, their use in these Standards for the species under consideration will have to be verified by scientific studies carried out to determine baseline levels, ranges of response, and other relevant measures.

#### 6.1. Objectives

The research promoted and encouraged by the Parties pursuant to Article 9 must in particular be aimed at the establishment of baselines and reference data necessary to set thresholds for additional parameters, or to evaluate the relevance of other welfare measurement not included in the present scope of Section 2.3 of these Standards, including a number of behavioural and physiological indicators.

## 6.2. Species-specific research programmes

To improve scientific knowledge in the field of evaluation of the welfare of trapped animals, each Party shall promote further research for the species listed in the following table to be completed within the defined time-frame following the entry into force of the Agreement.

Species	Party responsible	Time-frame
<i>Ondatra zibethicus</i>	European Community	3 years
<i>Procyon lotor</i>	Canada	3 years
<i>Martes zibellina</i>	Russia	3 years

## 6.3. Particular measurements to be studied

6.3.1. The parameters to be studied must, in particular, include:

- (a) behavioural responses after trapping, including vocalisations, extreme panic, delay before return to normal behaviour after release from trap and aversiveness. In aversiveness testing, the extent of avoidance or resistance to close approach to the previously experienced trapping situation must be evaluated; and
- (b) physiological parameters, including heart rate and arrhythmia, and biochemical parameters (blood, urine or saliva measures) as appropriate for the species, including glucocorticoid concentrations, prolactin concentrations, creatine kinase activity, lactate dehydrogenase (and possibly iso-enzyme 5) and Beta Endorphin levels (if assays exist).

6.3.2. The magnitude of response of the physiological parameters will refer to basal and extreme levels and time dependency.

6.3.3. Basal level means the quantity, concentration or rate for that physiological variable when the animal is not disturbed by the environmental conditions. For physiological variables that change over periods of a few seconds or minutes, this basal level should refer to a particular activity, for example lying, standing, walking or running and jumping. Extreme level means close to the maximum or minimum level for such animals. The physiological responses referred to above are likely to be shown by all mammals, but exact basal and extreme levels and the pattern of change between these must be determined for each species tested.

6.3.4. The aspects of measures of physiological responses that indicate poor welfare are whether the measured level is far from the normal level and whether the duration of that altered level is significant.

## 6.4. Monitoring of the research programmes

The Committee shall monitor and coordinate the research promoted and encouraged by the Parties pursuant to Article 9.



*ANNEX II*

1. Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Russian Federation, of the other part, done at Brussels on 17 July 1995, entered into force on 1 February 1996.
  2. Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, done at Corfu on 24 June 1994.
  3. Agreement on Trade and Commercial Relations between the Russian Federation and Canada, entered into force on 29 December 1992.
-

*ANNEX III***THE ARBITRATION BODY***Article 1*

The complaining Party shall notify the Committee that it wishes to refer the dispute to arbitration pursuant to Article 15 of the Agreement. The notification must include the subject matter of arbitration and, in particular, the provisions of the Agreement the interpretation or application of which are at issue.

*Article 2*

1. This Arbitration Body shall comprise three members.
2. In disputes between two Parties, each of the disputing Parties shall appoint an arbitrator. In disputes between more than two Parties, Parties with the same interest shall appoint one arbitrator jointly by agreement. In either case, the two arbitrators so appointed shall appoint by common agreement a third arbitrator as President of the Arbitration Body.
3. The President of the Arbitration Body must not:
  - (a) be a national of the disputing Parties to the dispute;
  - (b) be affiliated with the disputing Parties; or
  - (c) have dealt with the dispute in any other capacity.
4. Any vacancy on the Arbitration Body must be filled in the manner prescribed for an initial appointment.

*Article 3*

If, within 60 days of the appointment of the arbitrators by the Parties, the President of the Arbitration Body has not been appointed, any Party may request the President of the International Court of Justice to appoint him.

*Article 4*

1. The Arbitration Body shall make its ruling strictly in accordance with the provisions of the Agreement, international law and standard terms of reference as follows:

‘To determine, in the light of the facts and the relevant provisions of the Agreement (specify here the relevant provisions), whether a Party is in compliance with its obligations under the Agreement, and to issue a ruling to that effect.’
2. The Arbitration Body must satisfy itself that the claim is well-founded in fact and law.

*Article 5*

1. Unless the Parties to the dispute otherwise agree, the Arbitration Body shall determine its own rules of procedure.
2. The rules of procedure of the Arbitration Body must in any event be in accordance with this Annex, the scope of the Arbitration Body's authority to issue rulings and the principles of procedural fairness in international law and practice.

*Article 6*

The disputing Parties shall facilitate the work of the Arbitration Body and, in particular, using all means at their disposal, shall:

- (a) provide it with all relevant documents, information and facilities, subject only to domestic legal and administrative requirements; and
- (b) enable it, when necessary, to call witnesses or experts and receive their evidence.

*Article 7*

The disputing Parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the arbitration proceedings.

*Article 8*

The disputing Parties shall bear the costs of the arbitration proceedings, including the arbitrators' honoraria and costs of travel, translation and secretarial services, and other related costs, in equal shares.

*Article 9*

The Arbitration Body may hear and determine counterclaims arising directly out of the subject matter of the dispute.

*Article 10*

The Arbitration Body shall make its rulings both on the procedure and the substance of the dispute by a majority vote of the arbitrators. Votes cast shall not be disclosed.

*Article 11*

1. The Arbitration Body shall issue its ruling no later than 180 days after the date on which the President is appointed.
2. The Arbitration Body may, on a unanimous vote, delay the issuance of its ruling, if the disputing Parties agree.

*Article 12*

1. The determination and ruling of the Arbitration Body must be accompanied by a written statement setting out the findings and reasons on which they are based.
2. A dispute concerning the interpretation or manner of implementation of the determination and ruling of the Arbitration Body may be submitted by either disputing Party to the Arbitration Body that issued the ruling.

*Article 13*

A determination and ruling of the Arbitration Body is final, binding on the disputing Parties and may not be appealed.

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## ANNEX IV

## DECLARATIONS OF THE PARTIES

**Declaration by the Government of Canada concerning an accelerated phase-out period for conventional steel-jawed leghold restraining traps**

In recognition of the objectives of the Agreement on international humane trapping standards (the 'Agreement') and pursuant to Article 7 of the Agreement, Canada declares that:

1. The use of all jaw-type leghold restraining traps will be prohibited in Canada for the following species at the date of entry into force of the Agreement:

*Martes americana*  
*Mustela erminea*  
*Castor canadensis*  
*Ondatra zibethicus*  
*Martes pennanti*  
*Taxidea taxus*  
*Lutra canadensis*

2. (a) Based on the results of testing already available, the use of conventional steel-jawed leghold restraining traps shall be prohibited for the remaining Canadian species listed in Annex I to the Agreement, as follows:

*Canis latrans*  
*Felis rufus*  
*Procyon lotor*  
*Canis lupus*  
*Lynx canadensis*

- (b) This prohibition shall enter into force by the later of:
    - (i) the end of the full field-testing season commencing in October 1999; or
    - (ii) the end of the period necessary for testing and implementation, as defined in subparagraph (c).
  - (c) The 'period necessary for testing and implementation' referred to in clause 2(b)(ii) is two full field-testing seasons plus one year after the end of the second field-testing season, commencing after the Final Conclusion of the Agreement by the Council of the European Union.
  - (d) For Canada, a field-testing season (referred to in clause 2(b)(i) and subparagraph 2(c)) runs from 1 October to 31 March.
3. In view of subparagraph 2(b), this declaration shall have effect in the period between the Final Conclusion of the Agreement by the Council of the European Union and the entry into force of the Agreement as long as the Agreement (including, for greater certainty, the annexed Declarations) is applied in accordance with its terms by the European Community.

**Declaration by the European Community**

The European Community understands that the signature of the Agreement on international humane trapping standards is an important and substantial step forward in ensuring a sufficient level of welfare for trapped animals.

The European Community therefore confirms that it will not take any measure implementing Council Regulation (EEC) No 3254/91 during the time reasonably needed for the other Parties to ratify the Agreement and, after ratification, as long as the Agreement remains in force and is applied according to its provisions.

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# COMMISSION

## COMMISSION DECISION

of 3 February 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards systems of mechanically fastened flexible roof waterproofing membranes

(Text with EEA relevance)

(98/143/EC)

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>, as amended by Directive 93/68/EEC<sup>(2)</sup>, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is therefore required;

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possi-

bility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

### *Article 1*

The products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

### *Article 2*

The procedure for attesting conformity as set out in Annex II shall be indicated in mandates for guidelines for European technical approvals.

### *Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 3 February 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ L 40, 11. 2. 1989, p. 12.

<sup>(2)</sup> OJ L 220, 30. 8. 1993, p. 1.

*ANNEX I*

Systems of mechanically fastened flexible roof waterproofing membranes including the system of fastening, jointing and edging, and sometimes thermal insulation, limited to continuous watertight systems based on flexible sheets, for roof waterproofing.

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## ANNEX II

Product family: **Systems of mechanically fastened flexible roof waterproofing membranes (1/1)**

1. **Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, the European Organisation for Technical Approval is requested to specify the following system(s) of attestation of conformity in the relevant guideline for European Technical Approval:

Products	Intended uses	Levels or classes	Attestation of conformity systems
<b>Systems of mechanically fastened flexible roof waterproofing membranes including the system of fastening, jointing and edging, and sometimes thermal insulation, limited to continuous water-tight systems based on flexible sheets</b>	For roof waterproofing		2+

System 2+: See Annex III Section 2 point (ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**COMMISSION DECISION****of 3 February 1998****amending Commission Decision 88/566/EEC listing the products referred to in the second subparagraph of Article 3(1) of Council Regulation (EEC) No 1898/87 as a result of the accession of Austria, Finland and Sweden**

(98/144/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in marketing of milk and milk products<sup>(1)</sup> as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4(2)(b) thereof,

Whereas Regulation (EEC) No 1898/87 establishes the principle that the descriptions 'milk' and 'milk products' may not be used for milk products other than those described in Article 2 thereof; whereas, as an exception, in accordance with the second subparagraph of Article 3(1) of that Regulation, this principle is not applicable to the designation of products the exact nature of which is known because of traditional use and/or when the designations are clearly used to describe a characteristic quality of the product;

Whereas Commission Decision 88/566/EEC of 28 October 1988<sup>(2)</sup> lists the products which benefit from this exception;

Whereas, following the accession to the European Union of Austria, Finland and Sweden, the new Member States submitted lists of the products which they deem to meet, within their own territories, the criteria for the abovementioned exception; whereas the Annex to Decision 88/566/EEC should be completed by including the

names of the products from the new Member States, in the relevant languages, which can benefit from the exception;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex of Decision 88/566/EEC is amended as follows:

1. the products listed in point 1 of the Annex to this Decision are added to section II;
2. the new sections X and XI set out in point 2 of the Annex to this Decision are added.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 3 February 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 182, 3. 7. 1987, p. 36.<sup>(2)</sup> OJ L 310, 16. 11. 1988, p. 32.



*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —  
BIJLAGE — ANEXO — LIITE — BILAGA*

1. 'Butterhäuptel  
Butterschnitzel  
Faschiertes Butterschnitzel  
Milchmargarine  
Magarinstreichkäse'
  2. 'X  
Jordnötssmör  
Kakaosmör  
Smörsopp  
Kokosmjölk  
Ostkex  
Magarinos  
Smördeg  
  
XI  
Kaakaovoi  
Maapähkinävoi  
Voileipäkeksi  
Voitatti  
Voileipäkaku'
-

## CORRIGENDA

**Corrigendum to Council Decision 98/110/EC of 26 January 1998 appointing the members and alternate members of the Committee of the Regions for the period 26 January 1998 to 25 January 2002**

*(Official Journal of the European Communities L 28 of 4 February 1998)*

On page 21, in Annex I, the section entitled 'België/Belgique/Belgien' shall be replaced by the following:

**'BELGIË / BELGIQUE / BELGIEN**

M. William ANCION

Ministre au gouvernement de la Communauté française, chargé de l'enseignement supérieur, de la recherche scientifique, des relations internationales et du sport

De heer Jos CHABERT

Minister in de Brusselse hoofdstedelijke regering, belast met economie, financiën, begroting, energie en externe betrekkingen

M. Robert COLLIGNON

Ministre-président du gouvernement wallon, chargé de l'économie, du commerce extérieur, des PME, du tourisme et du patrimoine

De heer Karel DE GUCHT

Vlaams volksvertegenwoordiger

M. Michel LEBRUN

Ministre wallon, chargé de l'aménagement du territoire, de l'équipement et des transports

Herr Joseph MARAITE

Ministerpräsident der Regierung der Deutschsprachigen Gemeinschaft, Minister für Finanzen, für Außenbeziehungen, für Gesundheit, für Familie und Senioren sowie für Sport und Tourismus

Mme Laurette ONKELINX

Ministre-présidente du gouvernement de la Communauté française, chargée de l'éducation, de l'audiovisuel, de l'aide à la jeunesse, de l'enfance et de la promotion de la santé

M. Charles PIQUÉ

Ministre-président du gouvernement de la région de Bruxelles-capitale, chargé des pouvoirs locaux, de l'emploi, du logement et des monuments et sites

De heer Johan SAUWENS

Vlaams volksvertegenwoordiger

De heer Herman SUYKERBUYK

Vlaams volksvertegenwoordiger

De heer Luc VAN DEN BOSSCHE

Minister Vice-President van de Vlaamse regering  
Vlaams Minister van Onderwijs en Ambtenarenzaken

De heer Luc VAN DEN BRANDE

Minister-President van de Vlaamse regering  
Vlaams Minister van Buitenlands Beleid, Europese Aangelegenheden, Wetenschap en Technologie'

On page 31, in Annex II, the section entitled 'België/Belgique/Belgien' shall be replaced by the following:

**'BELGIË / BELGIQUE / BELGIEN**

M. Jean-Pierre GRAFÉ

Membre du Parlement de la Communauté française

De heer Rufin GRIJP

Minister in de Brusselse hoofdstedelijke regering, belast met openbaar ambt, buitenlandse handel, wetenschappelijk onderzoek, brandbestrijding en dringende medische hulp

M. Willy BURGEON  
Député wallon

De heer Peter VAN VELTHOVEN  
Vlaams volksvertegenwoordiger

M. Philippe CHARLIER  
Député wallon

De heer Hugo VAN ROMPAEY  
Vlaams volksvertegenwoordiger

Mme Maggy YERNA  
Membre du Parlement de la Communauté française

M. Hervé HASQUIN  
Ministre au gouvernement de la région de Bruxelles-capitale, chargé de l'aménagement du territoire, de l'urbanisme, des communications et des travaux publics

De heer Paul VAN GREMBERGEN  
Vlaams volksvertegenwoordiger

De heer Paul DUMEZ  
Vlaams volksvertegenwoordiger

De heer Gilbert BOSSUYT  
Vlaams volksvertegenwoordiger

De heer Freddy SARENS  
Vlaams volksvertegenwoordiger

On page 38, in Annex II, in the section entitled 'ÖSTERREICH':

*for:* 'Bürgermeister Anton KOCZUR  
Niederösterreich',

*read:* 'Bürgermeister Anton KOCZUR  
Groß Siegharts, Niederösterreich'.

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**Corrigendum to Commission Decision 98/115/EC of 28 January 1998 exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93**

*(Official Journal of the European Communities L 31 of 6 February 1998)*

On page 25, under the title:

*for:* '(Only the German, Greek, French, Italian, Dutch and Portuguese texts are authentic)',

*read:* '(The Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are all authentic)'.

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