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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 987/98
of 11 May 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 May 1998.

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

Done at Brussels, 11 May 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 11 May 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	143,0
	999	143,0
0709 90 70	052	80,7
	204	87,8
	999	84,3
0805 10 10, 0805 10 30, 0805 10 50	052	33,9
	204	39,3
	212	60,0
	600	53,9
	624	46,4
	999	46,7
	999	58,8
0805 30 10	382	58,8
	388	58,8
	999	58,8
0808 10 20, 0808 10 50, 0808 10 90	060	42,3
	388	70,9
	400	89,0
	404	93,2
	508	82,0
	512	82,3
	524	88,6
	528	73,1
	804	107,1
	999	80,9

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

COMMISSION REGULATION (EC) No 988/98
of 11 May 1998
amending for the 10th time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 744/98 ⁽⁴⁾, to introduce exceptional support measures for the pigmeat market in that market State;

Whereas, because the veterinary and trade restrictions continue to apply and have been extended to new zones, particularly in the province of Zaragoza, the number of piglets which may be delivered to the competent authorities should be increased so that the exceptional measures can continue from 22 April 1998;

Whereas piglets originating in the new zones are generally marketed at a weight of six kilograms or more; whereas it is therefore necessary to reduce the minimum weight of eligible piglets and to fix the aid for such animals;

Whereas the restrictions on the free movement of piglets have been operative for several weeks in one of the zones in the province of Zaragoza, resulting in a substantial increase in the weight of the animals and consequently an intolerable situation as regards their welfare; whereas

retroactive application of Article 1(4) of this Regulation from 15 April 1998 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. in Article 1(4), '10 kilograms' is replaced by 'six kilograms';
2. Article 4 is amended as follows:
 - (a) in the first subparagraph of paragraph 4, '10 kilograms' is replaced by '13 kilograms';
 - (b) in paragraph 4, the following subparagraph is added:

'For piglets weighing 6 kilograms or more but less than 13 kilograms on average per batch, the aid referred to in Article 1(4), at farm gate, shall be ECU 27 per head.';
3. Annex I is replaced by Annex I to this Regulation;
4. Annex II is replaced by Annex II to this Regulation.

Article 2

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

It shall apply with effect from 22 April 1998.

However, the provisions of Article 1(4) shall apply from 15 April 1998 to the protection and surveillance zones defined in the Order of the *Diputación General de Aragón* of 25 March 1998.

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 103, 3. 4. 1998, p. 5.

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

Done at Brussels, 11 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

'ANNEX I

Total maximum number of animals from 6 May 1997:

Pigs for fattening	630 000 head
Piglets	170 000 head
Cull sows	8 000 head
Pigs of the Iberian breed for fattening	6 000 head'

ANNEX II

'ANNEX II

Part 1

- In the province of Lérida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat di Catalunya* dated 9 March 1998, published in the official journal of the *Generalitat* of 16 March 1998, page 3488.
- In the province of Segovia, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Junta de Castilla y León* dated 19 January 1998, published in the official journal of the *Junta* of 20 January 1998, page 619.
- In the province of Madrid, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Comunidad de Madrid* dated 14 January 1998, published in the official journal of the *Comunidad* of 16 January 1998, page 11.
- In the province of Toledo, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Junta de Comunidades de Castilla-La Mancha* dated 13 January 1998, published in the official journal of the *Junta* of 16 January 1998, page 319.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Diputación General de Aragón* dated 25 March 1998, published in the official journal of the *Comunidad* of 27 March 1998, page 1411.
- In the province of Zaragoza, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Diputación General de Aragón* dated 17 April 1998, published in the official journal of the *Comunidad* of 20 April 1998, page 1868.

Part 2

The veterinary districts (*comarcas*) of the provinces of Segovia, Madrid and Toledo listed in Annex I to Commission Decision 97/285/EC⁽¹⁾.

(¹) OJ L 114, 1. 5. 1997, p. 47.

COMMISSION REGULATION (EC) No 989/98
of 11 May 1998
amending for the second time Regulation (EC) No 370/98 adopting exceptional
support measures for the market in pigmeat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Germany, the Commission adopted Regulation (EC) No 370/98 ⁽³⁾, as amended by Regulation (EC) No 743/98 ⁽⁴⁾, which introduces exceptional support measures for the pigmeat market in that Member State;

Whereas, because the veterinary and trade restrictions continue to apply in the regions concerned, the number of piglets and young piglets which may be delivered to

the competent authorities should be increased, so that the exceptional measures can continue from 22 April 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 370/98 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 22 April 1998.

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

Done at Brussels, 11 May 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

ANNEX I

Total maximum number of animals from 31 January 1998:

Piglets and young piglets	55 000 head'
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⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 47, 18. 2. 1998, p. 10.

⁽⁴⁾ OJ L 103, 3. 4. 1998, p. 4.

COMMISSION REGULATION (EC) No 990/98
of 11 May 1998
on the supply of cereals 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 ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as

Community food aid ⁽²⁾; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 11 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 125/97
2. **Beneficiary** (?): Niger
3. **Beneficiary's representative:** OPVN, BP 474 Niamey
Tel. (227) 73 25 03; fax 73 24 68
4. **Country of destination:** Niger
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1 in 4 parts (A1: 8 000 tonnes; A2: 3 000 tonnes; A3: 2 000 tonnes; A4: 2 000 tonnes)
8. **Characteristics and quality of the product** (?)(?): see OJ C 114, 29.4.1991, p. 1 (IIA(1)(d))
9. **Packaging** (?): see OJ C 267, 13.9.1996, p. 1 (1.0A 1.c, 2.c)
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (IIA(3))
 - Language to be used for the markings: French
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination (?)
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** Magasins OPVN à Niamey (A1), Zinder (A2), Tahoua (A3), Maradi (A4)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 16.8.1998
 - second deadline: 30.8.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 15-28.6.1998
 - second deadline: 29.6-12.7.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 26.5.1998
 - second deadline: 9.6.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** (?): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** (?): refund applicable on 7.5.1998, fixed by Commission Regulation (EC) No 697/98 (OJ L 96, 28.3.1998, p. 27)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65).
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
(⁸) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
-

COMMISSION DIRECTIVE 98/28/EC

of 29 April 1998

granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas information shows that the application of the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC relating to the transport of bulk foodstuffs in liquid, granulate or powdered form in receptacles and/or containers/tankers reserved for the transport of foodstuffs, is not practical and imposes an unduly onerous burden on food businesses when applied to the transport of raw sugar by sea, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas, however, it is necessary to ensure that the granting of a derogation provides an equivalent level of protection of public health, by attaching conditions to the terms of such derogation;

Whereas the availability of receptacles and/or containers/tankers reserved for the transport of foodstuffs by sea is insufficient to serve the continuing trade in raw sugar, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas experience acquired during the past years has shown that refined sugar is not contaminated where the bulk transport of raw sugar by sea is undertaken in receptacles and/or containers/tankers which are not reserved for the transport of foodstuffs; whereas on the other hand it should be established that receptacles and/or containers/tankers that have been used previously for transportation have been cleaned effectively and that the cleaning procedure is considered as critical to the overall safety and wholesomeness of the refined sugar;

Whereas it is incumbent on Member States by virtue of Article 8 of Directive 93/43/EEC to carry out controls to ensure the application of this Directive;

Whereas this specific derogation, shall be without prejudice to the general provisions of Directive 93/43/EEC;

Whereas the Scientific Committee for Foods has been consulted;

Whereas the measures provided for in this Directive are in compliance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive derogates from the provisions of Chapter IV, the second subparagraph of paragraph 2, of the Annex to Directive 93/43/EEC and lays down equivalent conditions to ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.

Article 2

1. The bulk transport of raw sugar by sea which is not intended for use as food nor as a food ingredient without a full and effective refining process is permitted in receptacles and/or containers/tankers that are not exclusively used for the transport of foodstuffs.

2. The receptacles and/or containers/tankers referred to in paragraph 1, shall be subject to the following conditions:

- prior to loading the raw sugar, the receptacle and/or container/tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively,
- the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

Article 3

1. The food business operator responsible for the transport of the raw sugar by sea shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle and/or container/tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

⁽¹⁾ OJ L 175, 19. 7. 1993, p. 1.

2. The documentary evidence shall accompany the consignment during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked in a clearly visible and indelible fashion, in one or more Community languages, 'This product must be refined before being used for human consumption'.

3. On request, the food business operator responsible for the transport of the raw sugar and/or the refining process shall provide the competent official food control authorities with the documentary evidence referred to in paragraphs 1 and 2.

Article 4

1. Raw sugar which has been transported by sea in receptacles and/or containers/tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

2. The food business operators responsible for the transport and refining process shall consider the cleaning process undertaken prior to loading of the raw sugar to be critical to the safety and wholesomeness of the refined sugar within the meaning of Article 3(2) of Directive 93/43/EEC taking into account the nature of the previous cargo carried in the receptacle and/or container/tanker.

Article 5

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive on 1 August 1998. They shall immediately inform the Commission thereof.

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

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 29 April 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 April 1998

relating to the procedures whereby officials and employees of the General Secretariat of the Council may be allowed access to classified information held by the Council

(98/319/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 151(3) thereof,

Having regard to the Council's Rules of Procedure ⁽¹⁾, and in particular Article 23 thereof,

Having regard to the declaration in the Annex to the Final Act of the Treaty of Amsterdam on enhanced cooperation between the European Union and the Western European Union whereby 'with a view to enhanced cooperation between the European Union and the Western European Union, the Conference invites the Council to seek the early adoption of appropriate arrangements for the security clearance of the personnel of the General Secretariat of the Council',

Whereas, by Decision No 24 of 30 January 1995, the Secretary-General of the Council adopted measures to protect classified information applicable to the General Secretariat of the Council;

Whereas the security regulations must cover not only the physical protection of classified information held by the Council but also authorisation of members of staff to have access to such information;

Whereas it is therefore necessary to introduce a procedure for authorising staff of the General Secretariat of the Council required to have access to such information for professional reasons and to restrict such access to authorised persons only;

Whereas, in the case of staff of the General Secretariat of the Council, the decision to grant authorisation will be the responsibility of the appointing authority within the meaning of Article 2 of the Staff Regulations and Rules Applicable to Officials and Other Servants, hereinafter referred to as 'the appointing authority', after security screening has been carried out by the competent national authorities of the Member States;

Whereas this Decision shall have no effect on the rules laid down by the Council regarding transparency, in particular, the Council Decision of 20 December 1993 on public access to documents,

HAS DECIDED AS FOLLOWS:

Article 1

1. The only persons authorised to have access to classified information held by the Council shall be officials and other servants of the General Secretariat of the Council or any person working within the General Secretariat who, by reason of their duties and for the requirements of the service, need to have knowledge of, or to use, such information.
2. In order to have access to information classified as 'secret' and 'confidential', the persons referred to in paragraph 1 must have been authorised in accordance with Article 2.
3. Authorisation shall be granted only to persons who have undergone security screening by the competent national authorities of the Member States, in accordance with the procedure laid down in Article 3.

⁽¹⁾ OJ L 304, 10. 12. 1993, p. 1.

Article 2

1. The appointing authority shall be responsible for granting the authorisations referred to in Article 1.

The appointing authority shall grant authorisation after obtaining the opinion of the competent national authorities of the Member States on the basis of security clearance carried out in accordance with Articles 3 and 4.

2. Authorisation, which shall be valid for a period of five years, may not exceed the duration of the tasks on the basis of which it was granted. It may be renewed by the appointing authority in accordance with the procedure referred to in paragraph 1.

Authorisation shall be withdrawn by the appointing authority where it considers there are justifiable grounds for doing so. Any decision to withdraw authorisation shall be notified to the person concerned, who may ask to be heard by the appointing authority, and to the competent national authority.

Article 3

1. The aim of security screening shall be to establish that there are no objections to allowing the person to have access to classified information held by the Council.

2. Security screening shall be carried out with the assistance of the person concerned and at the request of the appointing authority by the competent national authorities of the Member State of which the person subject to authorisation is a national. Should the person concerned reside in the territory of another Member State, the national authorities concerned may secure the cooperation of the authorities of the State of residence.

3. As part of the screening procedure, the person concerned shall be required to complete a personal information form.

4. The appointing authority shall specify in its request the type and level of classified information to be made available to the person concerned, so that the competent national authorities can carry out the screening process and give their opinion as to the appropriate level of authorisation to be granted.

5. The whole security-screening process together with the results obtained shall be subject to the relevant rules and regulations in force in the Member State concerned, including those concerning appeals.

Article 4

1. Where the competent national authorities of the Member States give a positive opinion, the appointing authority may grant the person concerned authorisation.

2. A negative opinion by the competent national authorities shall be notified to the person concerned, who may ask to be heard by the appointing authority. Should it consider it necessary, the appointing authority may ask the competent national authorities for any further clarification they can provide. If the negative opinion is confirmed, authorisation shall not be granted.

Article 5

All persons granted authorisation within the meaning of Article 2 shall, at the time the authorisation is granted and at regular intervals thereafter, receive any necessary instructions concerning the protection of classified information and the means of ensuring such protection. Such persons shall sign a declaration acknowledging receipt of the instructions and give an undertaking to obey them.

Article 6

1. The appointing authority shall take any measure necessary in order to implement this Decision, in particular as regards the rules governing access to the list of authorised persons.

2. Exceptionally, if required by the service, the appointing authority may, after giving the national competent authorities notification and provided there is no reaction from them within a month, grant temporary authorisation for a period not exceeding three months, pending the outcome of the screening referred to in Article 3.

Article 7

This Decision shall be reviewed two years after the date on which it becomes applicable, on the basis of a report from the Secretary-General.

Article 8

This Decision shall take effect on the date of its publication.

It shall apply nine months after it takes effect, except for Articles 2, 3 and 4, which shall apply on the date on which it is adopted.

Done at Luxembourg, 27 April 1998.

For the Council

The President

R. COOK

COMMISSION

COMMISSION DECISION

of 27 April 1998

on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC

(98/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed⁽¹⁾, as last amended by Directive 96/72/EC⁽²⁾, and in particular Article 13a thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽³⁾, as last amended by Directive 96/72/EC, and in particular Article 13a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽⁴⁾, as last amended by Directive 96/72/EC, and in particular Article 13a thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽⁵⁾, as last amended by Directive 96/72/EC, and in particular Article 12a thereof,

Whereas, pursuant to Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC, seed can be officially certified only where the conditions to be satisfied by the seed have been established in official seed testing on samples of seed drawn officially for the purpose of seed testing;

Whereas it has been claimed that seed sampling and seed testing under official supervision may constitute improved alternatives to the procedures for official seed certification, without a significant decline in the quality of the seed;

Whereas that claim cannot yet be confirmed at Community level on the basis of the information available;

Whereas it is therefore appropriate to organise a temporary experiment under specified conditions with the aim of assessing whether that claim can be sustained at Community level and in particular whether there will be any significant decline in the quality of the seed compared with that achieved under the system of official seed sampling and seed testing;

Whereas the conditions applying to that experiment should be specified in such a manner as to enable the maximum amount of information to be collected at Community level with a view to drawing appropriate conclusions for possible future adaptations of the Community provisions;

Whereas, for the purpose of that experiment, Member States should be released from certain obligations laid down in the Directives concerned;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. A temporary experiment is hereby organised at Community level with the aim of assessing whether seed sampling for the purpose of seed testing and seed testing under official supervision may constitute improved alternatives to the procedures for official seed certification required within the meaning of Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC, without a significant decline in the quality of the seed.

⁽¹⁾ OJ 125, 11. 7. 1966, p. 2290/66.

⁽²⁾ OJ L 304, 27. 11. 1996, p. 10.

⁽³⁾ OJ 125, 11. 7. 1966, p. 2298/66.

⁽⁴⁾ OJ 125, 11. 7. 1966, p. 2309/66.

⁽⁵⁾ OJ L 169, 10. 7. 1969, p. 3.

Any Member State may participate in the experiment.

2. Member States which participate in the experiment are hereby released from the obligations laid down in the Directives referred to in paragraph 1 in respect of official seed sampling and official seed testing, subject to the conditions set out in Articles 2 and 3 respectively.

Article 2

1. Seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the competent seed certification authority of the Member State concerned under the conditions set out in paragraphs 2, 3 and 4.

2. Seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods.

3. Seed samplers shall be:

(a) independent natural persons,

or

(b) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade,

or

(c) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in point (c), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the competent seed certification authority.

4. In respect of their responsibilities *vis-à-vis* the competent seed certification authority, seed samplers shall be assimilated to official seed samplers. Their performance of seed sampling shall be subject to proper supervision by the competent seed certification authority.

5. For the purposes of the supervision referred to in paragraph 4 a proportion of the seed lots entered for the official certification under the experiment shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, but may also be orientated to eliminate specific doubt. That proportion shall be at least 5 %.

The Member States which participate in the experiment shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision.

6. The certification number required for the official labels prescribed under the Directives referred to in Article 1(1), or other appropriate alternatives, shall enable the Member States and the Commission to identify seed lots which have been sampled under official supervision.

7. Where a Member State participates in the experiment, an appropriate proportion of the samples supplied by that Member State for Community comparative trials shall represent samples drawn under the experiment. The details shall be determined in the respective technical protocols for the Community comparative trials.

Article 3

1. Seed testing shall be carried out by seed testing laboratories which have been authorised for that purpose by the competent seed certification authority of the Member State concerned under the conditions set out in paragraphs 2 to 5.

2. The laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the competent seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

3. The laboratory shall be:

(a) an independent laboratory,

or

(b) a laboratory belonging to a seed company.

In the case referred to in point (b), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between the seed company to which it belongs, the applicant for certification and the competent seed certification authority.

4. In respect of their responsibilities *vis-à-vis* the competent seed certification authority, the seed analysts referred to in the first and second subparagraphs of paragraph 2 shall be assimilated to corresponding official analysts.

5. The laboratory's performance of seed testing shall be subject to proper supervision by the competent seed certification authority.

6. For the purposes of the supervision referred to in paragraph 5 a proportion of the seed lots entered for the official certification under the experiment shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification but may also be oriented to eliminate specific doubts. That proportion shall be at least 7 % in the case of seeds of cereals and 10 % in the case of seeds of other species.

The Member States which participate in the experiment shall compare the seed samples tested officially with those of the same seed lot tested under official supervision.

7. The reference number of the lot required for the official labels prescribed under the Directives referred to in Article 1(1), or other appropriate alternatives, shall enable the Member States and the Commission to identify seed lots which have been tested under official supervision.

8. Where a Member State participates in the experiment, an appropriate proportion of the samples supplied by that Member State for Community comparative trials shall represent samples tested under the experiment. The details shall be determined in the respective technical protocols for the Community comparative trials.

Article 4

The experiment and the release referred to in Article 1 shall expire on 30 June 2002.

Article 5

1. Member States shall inform the Commission and the other Member States within three months of the date of notification of this Decision:

- (a) whether they have decided to participate in the experiment,
- (b) in the case of participation solely in respect of seed sampling or solely in respect of seed testing, the scope thereof,
- (c) in the case of participation subject to restrictions to certain species, categories, regions or to other restrictions, the scope thereof.

If Member States decide to cease participating in the experiment, they shall inform the Commission and the other Member States within three months.

2. Member States shall report to the Commission before the end of each year the results of the checks carried out in accordance with Article 2(5) and Article 3(6).

3. In the light of the results referred to in paragraph 2 as well as the results from the comparative trials referred to in Article 2(7) and Article 3(8), the proportion of seed lots to be check-sampled by official seed samplers within the meaning of Article 2(5) or the proportion of seed lots to be check-tested by official seed testing within the meaning of Article 3(6) may be revised in accordance with the procedure laid down in Article 21 of Directives 66/400/EEC, 66/401/EEC and 66/402/EEC and Article 20 of Directive 69/208/EEC.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 27 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 28 April 1998

concerning certain protective measures with regard to certain fishery products originating in China and amending Decision 97/368/EC

(Text with EEA relevance)

(98/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 96/43/EC⁽²⁾, and in particular Article 19,

Whereas, on importation of fishery products originating in several processing establishments in China, the presence of *Vibrio parahaemolyticus*, *Vibrio vulnificus*, *Staphylococcus aureus* and *Bacillus cereus* have been detected;

Whereas the presence of *Vibrio parahaemolyticus*, *Vibrio vulnificus*, *Staphylococcus aureus* and *Bacillus cereus* are a result of poor hygienic practices during production and/or processing, and in the case of the *Vibrio parahaemolyticus* it could be also the result of a contamination of harvesting areas and it presents a potential risk for human health;

Whereas imports of products from the establishments concerned in China must not therefore be further allowed;

Whereas Community inspections in China and the results of checks at the Community border inspection posts have shown that potential health risks with regard to the production and processing of fishery products exists;

Whereas Commission Decision 97/368/EC of 11 June 1997 concerning certain protective measures with regard to certain fishery products originating in China⁽³⁾, as amended by Decision 97/805/EC⁽⁴⁾, provides for a ban of importation of fresh fishery products and for a requirement that frozen or processed fishery products must be

systematically submitted to a microbiological examination;

Whereas Decision 97/368/EC should be reviewed before 30 June 1998 and on the ground of the current findings it is necessary to extend the measures provided in this Decision until 30 November 1998;

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

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to fishery products, fresh, frozen or processed, originating in China.

Article 2

Member States shall ban the imports of fishery products, in all forms, originating in the following establishments in China:

- Xiamen Standland Foods Co. Ltd, Zhousan Plant, Dinghai, Zhousan, Zhejiang (plant code No 3300/02072),
- Vessel Yan Yuan No 3 — No 178, North Road, Yantai, Shandong (plant code No 3700/02405),
- Yancheng Baolong Aquatic Foods Co. Ltd, Doulogang, Dafeng County, Jiangsu Province (plant code No 3200/02061),
- Wuhan Standhampton Foodstuff Co. Ltd, 181, 27. Avenue, Jiangan District, Wuhan (plant code No 4200/02008),
- Laoghan Aquatic products cold storage, Qingdao (plant code No 3700/02410).

Article 3

In Article 6 of Decision 97/368/EC the date '30 June 1998' shall be replaced by '30 November 1998'.

⁽¹⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 136, 13. 7. 1997, p. 57.

⁽⁴⁾ OJ L 330, 2. 12. 1997, p. 19.

Article 4

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

Article 5

All expenditure incurred by the application of this Decision shall be chargeable to the consigner, the consignee or their agent.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission
