

Official Journal

of the European Communities

ISSN 0378-6978

L 201

Volume 41

17 July 1998

English edition

Legislation

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Price: ECU 25

(Continued overleaf)

EN

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1520/98

of 13 July 1998

amending Regulation (EC) No 88/98 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 43 thereof,

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

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

Whereas, under Articles 2 and 4 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽³⁾, the Council is responsible for adopting, in the light of the available scientific advice, the conservation measures necessary to ensure the rational and responsible exploitation of living marine resources on a sustainable basis; whereas, to that end, the Council may lay down technical measures concerning fishing gear and the ways in which it is used;

Whereas Regulation (EC) No 88/98 ⁽⁴⁾ lays down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound;

Whereas the International Baltic Sea Fishery Commission, hereinafter referred to as the 'Baltic Sea Fishery Commission', set up by the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts, hereinafter referred to as 'the Gdansk Convention', lays down the rules governing fishing operations in the Baltic Sea;

Whereas by letter of 17 September 1997 the Baltic Sea Fishery Commission notified the Contracting States of certain recommendations, adopted at the 23rd session of the Commission, to modify, among other things, some technical measures;

Whereas the Gdansk Convention provides that the Community must give effect to the said recommendations in the waters of the Baltic Sea, the Belts and the Sound, subject to the objection procedure laid down in Article XI of the Convention; whereas there are no grounds for such objections;

Whereas, the Council may lay down technical measures concerning fishing gear and the ways in which it is used,

⁽¹⁾ OJ C 4, 8. 1. 1998, p. 6.

⁽²⁾ OJ C 210, 6. 7. 1998.

⁽³⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽⁴⁾ OJ L 9, 15. 1. 1998, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 88/98 is hereby amended as follows:

1. In Article 2(1) the provisions concerning flounder (*Platichthys flesus*) and plaice (*Pleuronectes platessa*) shall be replaced by the following:

Species	Water	Period of prohibition
Flounder (<i>Platichthys flesus</i>)	Sub-divisions 26, 28 and 29 south of latitude 59°30' N	15 February to 15 May
Flounder	Sub-division 32	1 February to 30 June
Female flounder	Sub-division 22 except for the geographical area described in Annex II	1 February to 30 April
Plaice (<i>Pleuronectes platessa</i>)	Sub-divisions 26, 27, 28 and 29 south of latitude 59°30' N	15 February to 15 May
Female plaice	Sub-division 22, except for the geographical area described in Annex II, and Sub-divisions 24 and 25	1 February to 30 April'

2. Article 9(1) shall be replaced by the following:

'1. It shall be prohibited, in fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*):

- to use drifting or anchored nets from 1 June to 15 September in waters of Sub-divisions 22 to 31,
- to use drifting or anchored nets from 15 June to 30 September in waters of Sub-division 32,
- to use drifting lines and anchored lines from 1 April to 15 November in the waters of Sub-divisions 22 to 31,
- to use drifting lines and anchored lines from 1 July to 15 September in the waters of Sub-division 32.

The area of prohibition during the closed season is beyond four nautical miles measured from the baselines. In the area east of longitude 22°30' E (Bengtskär lighthouse) inside the Finnish territorial waters and fishing zone fishing with driftlines and anchored lines is prohibited from 1 July to 15 September.'

Article 2

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 13 July 1998.

For the Council

The President

W. SCHÜSSEL

COMMISSION REGULATION (EC) No 1521/98

of 16 July 1998

determining the amounts of the agricultural components and the additional duties applicable from 1 July 1998 to 30 June 1999 on the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 from Norway

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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⁽¹⁾, and in particular Article 7 thereof,

Whereas it is appropriate to determine the agricultural components referred to in the Annex to the Agreement in the form of an Exchange of Letters concerning the amendment of Protocol 2 of the Agreement between the European Community and the Kingdom of Norway⁽²⁾;

Whereas Commission Regulation (EC) No 1460/96⁽³⁾ establishes detailed rules for the application of preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, referred to in Article 7 of Regulation (EC) No 3448/93,

Article 1

The Annexes to this Regulation lay down the agricultural components and the corresponding additional duties applicable from 1 July 1998 to 30 June 1999 to the importation of goods covered by Table 1 of Annex B to Regulation (EC) No 3448/93 from Norway.

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 1 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 345, 31. 12. 1996, p. 78.

⁽³⁾ OJ L 187, 26. 7. 1996, p. 18.

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

Elementos agrícolas (por 100 kilogramos de peso neto) aplicables, del 1 de julio de 1998 al 30 de junio de 1999 inclusive, a la importación en la Comunidad procedente del Reino de Noruega

Landbrugselementer (pr. 100 kg nettovægt), der skal anvendes ved indførsel fra Kongeriget Norge til Fællesskabet fra 1. juli 1998 til og med 30. juni 1999

Agrarteilbeträge (für 100 kg Eigengewicht) bei der Einfuhr aus dem Königreich Norwegen in die Gemeinschaft, anwendbar vom 1. Juli 1998 bis einschließlich 30. Juni 1999

Γεωργικά στοιχεία (ανά 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Ιουλίου 1998 μέχρι 30ής Ιουνίου 1999 κατά την εισαγωγή στην Κοινότητα από το Βασίλειο της Νορβηγίας

Agricultural components (per 100 kilograms net weight) to be levied from 1 July 1998 to 30 June 1999 inclusive, on importation into the Community from the Kingdom of Norway

Éléments agricoles (par 100 kilogrammes poids net) applicables, du 1^{er} juillet 1998 au 30 juin 1999 inclus, à l'importation dans la Communauté en provenance du royaume de Norvège

Elementi agricoli (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dal Regno di Norvegia dal 1° luglio 1998 al 30 giugno 1999 incluso

Agrarische elementen (per 100 kg nettogewicht) bij invoer in de Gemeenschap vanuit het Koninkrijk Noorwegen, te heffen van 1 juli 1998 tot en met 30 juni 1999

Elementos agrícolas (por 100 quilogramas de peso líquido) aplicáveis, de 1 de Julho de 1998 a 30 de Junho de 1999, inclusive, à importação na Comunidade proveniente do Reino da Noruega

Norjan kuningaskunnasta yhteisöön tulevaan tuontiin 1 päivästä heinäkuuta 1998 30 päivään kesäkuuta 1999 sovellettavat maatalousosat (100 nettopainokilolta)

Jordbruksbeståndsdelar (per 100 kg nettovikt) som skall tillämpas på import från Konungariket Norge till gemenskapen fr.o.m. den 1 juli 1998 t.o.m. den 30 juni 1999

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	118,80	1806 90 31	(¹)	1905 90 30	(¹)
0403 10 53	162,84	1806 90 39	(¹)	1905 90 40	(¹)
0403 10 59	210,12	1806 90 50	(¹)	1905 90 45	(¹)
0403 10 91	15,40	1806 90 60	(¹)	1905 90 55	(¹)
0403 10 93	21,29	1806 90 70	(¹)	1905 90 60	(¹)
0403 10 99	33,07	1806 90 90	(¹)	1905 90 90	(¹)
0403 90 71	118,80	1901 10 00	(¹)	2001 90 30 (¹)	7,82
0403 90 73	162,84	1901 20 00	(¹)	2001 90 40 (¹)	3,13
0403 90 79	210,12	1901 90 11	15,24	2004 10 91	(¹)
0403 90 91	15,40	1901 90 19	12,43	2004 90 10 (¹)	7,82
0403 90 93	21,29	1901 90 99	(¹)	2005 20 10	(¹)
0403 90 99	33,07	1902 11 00	13,05	2005 80 00 (¹)	7,82
0405 20 10	(¹)	1902 19 10	13,05	2008 99 85 (¹)	7,82
0405 20 30	(¹)	1902 19 90	13,05	2101 12 98	(¹)
0710 40 00 (¹)	7,82	1902 20 91	3,20	2101 20 98	(¹)
0710 90 30 (¹)	7,82	1902 20 99	9,07	2101 30 19	10,71
1517 10 10	35,34	1902 30 10	13,05	2101 30 99	19,15
1517 90 10	35,34	1902 30 90	5,16	2102 10 31	0,00
1704 10 11	29,33	1902 40 10	13,05	2102 10 39	0,00
1704 10 19	29,33	1902 40 90	5,16	2105 00 10	23,51
1704 10 91	33,82	1903 00 00	12,59	2105 00 91	46,76
1704 10 99	33,82	1904 10 10	16,65	2105 00 99	66,30
1704 90 30	53,50	1904 10 30	58,90	2106 10 80	(¹)
1704 90 51	(¹)	1904 10 90	30,37	2106 90 10	25,00
1704 90 55	(¹)	1904 20 10	(¹)	2106 90 98	(¹)
1704 90 61	(¹)	1904 20 91	16,65	2202 90 91	14,16
1704 90 65	(¹)	1904 20 95	58,90	2202 90 95	14,42
1704 90 71	(¹)	1904 20 99	30,37	2202 90 99	25,82
1704 90 75	(¹)	1904 90 10	58,90	2905 43 00	139,56
1704 90 81	(¹)	1904 90 90	13,60	2905 44 11	13,45
1704 90 99	(¹)	1905 10 00	10,94	2905 44 19	41,87
1806 10 20	27,91	1905 20 10	18,20	2905 44 91	19,15
1806 10 30	34,89	1905 20 30	25,86	2905 44 99	59,55
1806 10 90	46,52	1905 20 90	33,52	3302 10 29	(¹)
1806 20 10	(¹)	1905 30 11	(¹)	3505 10 10	14,77
1806 20 30	(¹)	1905 30 19	(¹)	3505 10 90	14,77
1806 20 50	(¹)	1905 30 30	(¹)	3505 20 10	3,75
1806 20 70	(¹)	1905 30 51	(¹)	3505 20 30	7,43
1806 20 80	(¹)	1905 30 59	(¹)	3505 20 50	11,80
1806 20 95	(¹)	1905 30 91	(¹)	3505 20 90	14,77
1806 31 00	(¹)	1905 30 99	(¹)	3809 10 10	7,43
1806 32 10	(¹)	1905 40 10	(¹)	3809 10 30	10,32
1806 32 90	(¹)	1905 40 90	(¹)	3809 10 50	12,59
1806 90 11	(¹)	1905 90 10	13,13	3809 10 90	14,77
1806 90 19	(¹)	1905 90 20	50,34	3824 60 11	13,45
				3824 60 19	41,87
				3824 60 91	19,15
				3824 60 99	59,55

(¹) Véase 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.

(¹) 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, uitgedropt. / Por 100 kg de batatas-doces, etc., ou de milho, escorridos. / 100aa kilogrammaa valutettua bataattia jne. tai maissia kohden. / Per 100 kg torkad sötptatis 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	7057	82,40	7121	34,87
7001	11,16	7060	89,10	7122	44,63
7002	20,93	7061	100,26	7123	53,94
7003	30,24	7062	110,03	7124	66,96
7004	43,26	7063	119,34	7125	27,14
7005	3,44	7064	132,36	7126	38,31
7006	14,60	7065	92,54	7127	48,08
7007	24,37	7066	103,70	7128	57,38
7008	33,68	7067	113,47	7129	70,41
7009	46,70	7068	122,78	7130	31,05
7010	7,35	7069	135,80	7131	42,21
7011	18,51	7070	96,45	7132	51,98
7012	28,28	7071	107,61	7133	61,29
7013	37,59	7072	117,38	7135	35,27
7015	11,57	7073	126,69	7136	46,44
7016	22,73	7075	100,67	7137	56,21
7017	32,50	7076	111,83	7140	56,96
7020	16,63	7077	121,60	7141	68,13
7021	27,80	7080	173,45	7142	77,90
7022	37,57	7081	184,61	7143	87,20
7023	46,87	7082	194,38	7144	100,23
7024	59,90	7083	203,69	7145	60,40
7025	20,07	7084	216,71	7146	71,57
7026	31,24	7085	176,89	7147	81,34
7027	41,01	7086	188,05	7148	90,64
7028	50,31	7087	197,82	7149	103,67
7029	63,34	7088	207,13	7150	64,31
7030	23,98	7090	180,80	7151	75,48
7031	35,15	7091	191,96	7152	85,25
7032	44,91	7092	201,73	7153	94,55
7033	54,22	7095	185,02	7155	68,53
7035	28,20	7096	196,18	7156	79,70
7036	39,37	7100	7,07	7157	89,47
7037	49,14	7101	18,23	7160	96,17
7040	49,90	7102	28,00	7161	107,33
7041	61,06	7103	37,31	7162	117,10
7042	70,83	7104	50,33	7163	126,41
7043	80,13	7105	10,51	7164	139,43
7044	93,16	7106	21,67	7165	99,61
7045	53,34	7107	31,44	7166	110,77
7046	64,50	7108	40,75	7167	120,54
7047	74,27	7109	53,77	7168	129,85
7048	83,57	7110	14,42	7169	142,87
7049	96,60	7111	25,58	7170	103,52
7050	57,24	7112	35,35	7171	114,68
7051	68,41	7113	44,66	7172	124,45
7052	78,18	7115	18,64	7173	133,76
7053	87,48	7116	29,80	7175	107,74
7055	61,47	7117	39,57	7176	118,90
7056	72,63	7120	23,70	7177	128,67

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
7180	180,52	7305	67,43	7463	146,39
7181	191,68	7306	78,59	7464	159,41
7182	201,45	7307	88,36	7465	119,59
7183	210,75	7308	97,67	7466	130,75
7185	183,96	7309	110,69	7467	140,52
7186	195,12	7310	71,34	7468	149,83
7187	204,89	7311	82,50	7470	123,50
7188	214,20	7312	92,27	7471	134,66
7190	187,86	7313	101,58	7472	144,43
7191	199,03	7315	75,56	7475	127,72
7192	208,80	7316	86,72	7476	138,88
7195	192,09	7317	96,49	7500	95,90
7196	203,25	7320	79,78	7501	107,07
7200	46,82	7321	90,94	7502	116,84
7201	57,99	7360	107,91	7503	126,14
7202	67,76	7361	119,08	7504	139,17
7203	77,06	7362	128,85	7505	99,34
7204	90,09	7363	138,15	7506	110,51
7205	50,26	7364	151,17	7507	120,28
7206	61,43	7365	111,35	7508	129,58
7207	71,20	7366	122,52	7509	142,61
7208	80,50	7367	132,29	7510	103,25
7209	93,53	7368	141,59	7511	114,41
7210	54,17	7369	154,62	7512	124,18
7211	65,34	7370	115,26	7513	133,49
7212	75,11	7371	126,42	7515	107,47
7213	84,41	7372	136,19	7516	118,64
7215	58,39	7373	145,50	7517	128,41
7216	69,56	7375	119,48	7520	111,69
7217	79,33	7376	130,65	7521	122,86
7220	62,61	7378	123,70	7560	124,35
7221	73,78	7400	80,71	7561	135,51
7260	98,49	7401	91,88	7562	145,28
7261	109,65	7402	101,65	7563	154,58
7262	119,42	7403	110,95	7564	167,61
7263	128,72	7404	123,98	7565	127,79
7264	141,75	7405	84,15	7566	138,95
7265	101,93	7406	95,32	7567	148,72
7266	113,09	7407	105,09	7568	158,02
7267	122,86	7408	114,39	7570	131,69
7268	132,16	7409	127,42	7571	142,86
7269	145,19	7410	88,06	7572	152,63
7270	105,83	7411	99,23	7575	135,92
7271	117,00	7412	108,99	7576	147,08
7272	126,77	7413	118,30	7600	127,73
7273	136,07	7415	92,28	7601	138,90
7275	110,06	7416	103,45	7602	148,67
7276	121,22	7417	113,22	7603	157,97
7300	63,99	7420	96,50	7604	171,00
7301	75,15	7421	107,67	7605	131,17
7302	84,92	7460	116,15	7606	142,34
7303	94,23	7461	127,31	7607	152,11
7304	107,25	7462	137,08	7608	161,41

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
7609	174,44	7778	65,69	7861	34,73
7610	135,08	7779	76,85	7862	44,50
7611	146,25	7780	275,69	7863	53,80
7612	156,02	7781	286,85	7864	66,83
7613	165,32	7785	279,13	7865	27,00
7615	139,30	7786	290,29	7866	38,17
7616	150,47	7788	104,89	7867	47,94
7620	143,52	7789	116,06	7868	57,24
7700	151,18	7798	22,86	7869	70,27
7701	162,34	7799	34,02	7870	30,91
7702	172,11	7800	247,10	7871	42,08
7703	181,42	7801	258,27	7872	51,85
7705	154,62	7802	268,04	7873	61,15
7706	165,78	7805	250,54	7875	35,13
7707	175,55	7806	261,71	7876	46,30
7708	184,86	7807	271,48	7877	56,07
7710	158,53	7808	39,49	7878	39,35
7711	169,69	7809	50,66	7879	50,52
7712	179,46	7810	254,45	7900	32,99
7715	162,75	7811	265,62	7901	44,15
7716	173,91	7818	72,76	7902	53,92
7720	148,45	7819	83,92	7903	63,23
7721	159,61	7820	254,17	7904	76,25
7722	169,38	7821	265,34	7905	36,43
7723	178,68	7822	275,11	7906	47,59
7725	151,89	7825	257,61	7907	57,36
7726	163,05	7826	268,78	7908	66,67
7727	172,82	7827	278,55	7909	79,69
7728	182,13	7828	111,96	7910	40,34
7730	155,80	7829	123,12	7911	51,50
7731	166,96	7830	261,52	7912	61,27
7732	176,73	7831	272,69	7913	70,58
7735	160,02	7838	114,28	7915	44,56
7736	171,18	7840	14,14	7916	55,72
7740	190,86	7841	25,30	7917	65,49
7741	202,03	7842	35,07	7918	48,78
7742	211,79	7843	44,38	7919	59,94
7745	194,30	7844	57,40	7940	47,13
7746	205,47	7845	17,58	7941	58,29
7747	215,24	7846	28,74	7942	68,06
7750	198,21	7847	38,51	7943	77,36
7751	209,38	7848	47,82	7944	90,39
7758	15,79	7849	60,84	7945	50,57
7759	26,96	7850	21,49	7946	61,73
7760	233,27	7851	32,65	7947	71,50
7761	244,44	7852	42,42	7948	80,80
7762	254,21	7853	51,73	7949	93,83
7765	236,71	7855	25,71	7950	54,47
7766	247,88	7856	36,87	7951	65,64
7768	32,42	7857	46,64	7952	75,41
7769	43,59	7858	29,93	7953	84,71
7770	240,62	7859	41,09	7955	58,70
7771	251,79	7860	23,56	7956	69,86

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
7957	79,63	7969	115,04	7982	126,97
7958	62,92	7970	75,68	7983	136,27
7959	74,08	7971	86,85	7984	149,30
7960	68,33	7972	96,62	7985	109,47
7961	79,50	7973	105,92	7986	120,64
7962	89,27	7975	79,90	7987	130,41
7963	98,57	7976	91,07	7988	139,71
7964	111,60	7977	100,84	7990	113,38
7965	71,77	7978	84,12	7991	124,55
7966	82,94	7979	95,29	7992	134,32
7967	92,71	7980	106,03	7995	117,60
7968	102,01	7981	117,20	7996	128,77

*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 del Reino de Noruega, del 1 de julio de 1998 al 30 de junio de 1999 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 Kongeriget Norge fra 1. juli 1998 til og med 30. juni 1999

Beträge der Zusatzzölle für Zucker (AD S/Z) und für Mehl (AD F/M) (für 100 kg Nettogewicht) bei der Einfuhr aus dem Königreich Norwegen in die Gemeinschaft für die Zeit vom 1. Juli 1998 bis einschließlich 30. Juni 1999

Ποσά πρόσθετων δασμών στη ζάχαρη (AD S/Z) και στο αλεύρι (AD/FM) (για 100 kg καθαρού δάρους) που εφαρμόζονται από 1ης Ιουλίου 1998 μέχρι 30ής Ιουνίου 1999 κατά την εισαγωγή στην Κοινότητα από το Βασίλειο της Νορβηγίας

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 Kingdom of Norway from 1 July 1998 to 30 June 1999

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 du royaume de Norvège, du 1^{er} juillet 1998 au 30 juin 1999 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 dal Regno di Norvegia dal 1° luglio 1998 al 30 giugno 1999 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 het Koninkrijk Noorwegen van 1 juli 1998 tot en met 30 juni 1999

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 do Reino da Noruega, de 1 de Julho de 1998 a 30 de Junho de 1999, inclusive

Norjan kuningaskunnasta yhteisöön tuotavaan sokeriin (AD S/Z) ja jauhoihin (AD F/M) (100 nettopainokilolta) 1 päivästä heinäkuuta 1998 30 päivään kesäkuuta 1999 sovellettavat lisätullit

Tilläggstull för socker (AD S/Z) och för mjöl (AD F/M) (per 100 kg nettovikt) som skall utgå på import till gemenskapen från Konungariket Norge fr.o.m. den 1 juli 1998 t.o.m. den 30 juni 1999

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	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	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg		ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
1704 90 30	20,10		1806 90 39	(*)	
1704 90 51	(*)		1806 90 50	(*)	
1704 90 55	(*)		1806 90 60	(*)	
1704 90 61	(*)		1806 90 70	(*)	
1704 90 65	(*)		1806 90 90	(*)	
1704 90 71	(*)		1905 30 11	(*)	
1704 90 75	(*)		1905 30 19	(*)	
1704 90 81	(*)		1905 30 30	(*)	
1704 90 99	(*)		1905 30 51	(*)	
1806 20 10	(*)		1905 30 59	(*)	
1806 20 30	(*)		1905 30 91		(*)
1806 20 50	(*)		1905 30 99	(*)	
1806 20 80	(*)		1905 90 40		(*)
1806 20 95	(*)		1905 90 45		(*)
1806 31 00	(*)		1905 90 55		(*)
1806 32 10	(*)		1905 90 60	(*)	
1806 32 90	(*)		1905 90 90		(*)
1806 90 11	(*)		2105 00 10	11,30	
1806 90 19	(*)		2105 00 91	8,80	
1806 90 31	(*)		2105 00 99	8,70	

(*) Véase 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, ιμβερτοποιημένο 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 Sakkarosipitoisuus, inverttisokeri ja/tai isoglukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0,00
> = 05 — < 30	11,16
> = 30 — < 50	20,93
> = 50 — < 70	30,24
> = 70	43,26

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glucose 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 glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Täkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0,00
> = 05 — < 25	3,44
> = 25 — < 50	7,35
> = 50 — < 75	11,57
> = 75	15,79

COMMISSION REGULATION (EC) No 1522/98

of 16 July 1998

determining the reduced amounts of agricultural components and additional duties applicable from 1 July 1998 to 30 June 1999 inclusive to imports into the Community of certain goods covered by Council Regulation (EC) No 3448/93 under an interim agreement between the European Union and Israel

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⁽¹⁾ and in particular Article 7 thereof,

Whereas, pending the entry into force of the Euro-Mediterranean agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, signed in Brussels on 20 November 1995, an interim agreement between the European Community and the European Coal and Steel Community, of the one part, and the State of Israel, of the other part, on trade and accompanying measures was signed on 18 December 1995⁽²⁾ and entered into force on 1 January 1996; whereas this agreement provides within the quota limits for reductions in agricultural component for certain processed agricultural products;

Whereas Council Regulation (EC) No 1981/94 of 25 July 1994 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the Occupied Territories, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas⁽³⁾, as last amended by Regulation (EC) No 650/98⁽⁴⁾, opened the quotas within which certain processed agricultural products originating in Israel are

granted a reduction in the agricultural components, whereas the reduced agricultural components and additional duties must be fixed;

Whereas Commission Regulation (EC) No 1460/96⁽⁵⁾ establishes detailed rules for the application of preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, referred to in Article 7 of Council Regulation (EC) No 3448/93,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 July 1998 to 30 June 1999, the reduced agricultural components applicable to imports of goods covered by Regulation (EEC) No 3448/93 for which a reduction in the agricultural component is provided for in the interim agreement concluded with Israel and the corresponding reduced additional duties shall be fixed in the annexes 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 1 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ L 71, 20. 3. 1996, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 88, 24. 3. 1998, p. 8.

⁽⁵⁾ OJ L 187, 26. 7. 1996, p. 18.

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

Elementos agrícolas (por 100 kilogramos de peso neto)

Landbrugselementer (pr. 100 kg nettovægt),

Landwirtschaftliche Teilbeträge (für 100 kg Eigengewicht)

Αγροτικά στοιχεία (για 100 kg καθαρού βάρους)

Agricultural components (per 100 kilograms net weight)

Éléments agricoles (par 100 kilogrammes poids net)

Elementi agricoli (per 100 kg peso netto)

Landbouwelementen (per 100 kg nettogewicht)

Elementos agrícolas (por 100 quilogramas de peso líquido)

Maatalousosat (100 nettopainokilolta)

Jordbruksbeståndsdelar (per 100 kg nettovikt)

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
0710 40 00 (*)	7,84	1806 90 60	(**)	1905 30 30	(*)
0711 90 30 (*)	7,84	1806 90 70	(**)	1905 30 51	(*)
1704 90 30	36,05	1806 90 90	(**)	1905 30 59	(*)
1806 10 20	23,21	1901 10 00	(*)	1905 30 91	(*)
1806 10 30	28,90	1901 90 99	(*)	1905 30 99	(*)
1806 10 90	38,59	1904 10 10	16,66	1905 40 10	(*)
1806 20 10	(**)	1904 10 30	38,22	1905 40 90	(*)
1806 20 30	(**)	1904 10 90	27,93	1905 90 10	13,23
1806 20 50	(**)	1904 20 10	(*)	1905 90 20	50,26
1806 20 70	(**)	1904 20 91	16,66	1905 90 30	(*)
1806 20 80	(**)	1904 20 95	38,22	1905 90 40	(*)
1806 20 95	(**)	1904 20 99	27,93	1905 90 45	(*)
1806 31 00	(**)	1904 90 10	38,22	1905 90 55	(*)
1806 32 10	(**)	1904 90 90	21,35	1905 90 60	(*)
1806 32 90	(**)	1905 10 00	10,78	1905 90 90	(*)
1806 90 11	(**)	1905 20 10	14,49	2001 90 30	7,84
1806 90 19	(**)	1905 20 30	19,11	2004 90 10	7,84
1806 90 31	(**)	1905 20 90	24,01	2005 80 00	7,84
1806 90 39	(**)	1905 30 11	(*)	2106 10 80	(*)
1806 90 50	(**)	1905 30 19	(*)	2106 90 98	(*)

(*) Véase 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.

(**) Véase parte 3 / Se del 3 / Siehe Teil 3 / Βλέπε μέρος 3 / See Part 3 / Voir partie 3 / Vedi parte 3 / Zie deel 3 / Ver parte 3 / Katso osa 3 / Se del 3.

(*) 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. / 100aa 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	7050	45,22	7106	15,82
7001	7,63	7051	52,85	7107	22,49
7002	14,31	7052	59,53	7108	28,85
7003	20,67	7053	61,23	7109	37,75
7004	29,57	7055	44,80	7110	12,11
7005	3,46	7056	52,44	7111	19,74
7006	11,09	7057	59,11	7112	26,42
7007	17,77	7060	67,57	7113	32,78
7008	24,12	7061	75,20	7115	16,35
7009	33,03	7062	81,88	7116	23,98
7010	7,38	7063	75,86	7117	30,66
7011	15,02	7064	88,82	7120	17,34
7012	21,69	7065	71,02	7121	24,97
7013	28,05	7066	78,66	7122	31,65
7015	11,63	7067	85,33	7123	36,46
7016	19,26	7068	83,37	7124	45,36
7017	25,93	7069	92,28	7125	20,80
7020	12,61	7070	74,95	7126	28,43
7021	20,24	7071	82,59	7127	35,10
7022	26,92	7072	89,26	7128	39,91
7023	31,73	7073	87,31	7129	48,81
7024	40,63	7075	70,88	7130	24,72
7025	16,07	7076	78,51	7131	32,35
7026	23,70	7077	85,18	7132	39,03
7027	30,38	7080	131,53	7133	43,84
7028	35,18	7081	139,16	7135	27,41
7029	44,09	7082	145,84	7136	35,05
7030	19,99	7083	136,01	7137	41,72
7031	27,63	7084	144,91	7140	42,56
7032	34,30	7085	134,99	7141	50,20
7033	39,11	7086	142,62	7142	56,87
7035	22,68	7087	149,29	7143	58,58
7036	30,31	7088	139,46	7144	67,48
7037	36,99	7090	138,91	7145	46,02
7040	37,84	7091	146,55	7146	53,65
7041	45,47	7092	153,22	7147	60,33
7042	52,14	7095	126,97	7148	62,03
7043	53,85	7096	134,60	7149	70,93
7044	62,75	7100	4,73	7150	49,95
7045	41,29	7101	12,36	7151	57,58
7046	48,93	7102	19,03	7152	68,11
7047	55,60	7103	25,39	7153	65,96
7048	57,30	7104	34,30	7155	49,53
7049	66,21	7105	8,18	7156	57,16

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
7157	63,84	7216	50,42	7367	89,62
7160	72,30	7217	57,10	7368	95,97
7161	79,93	7220	47,03	7369	104,88
7162	86,60	7221	54,66	7370	79,23
7163	84,65	7260	65,54	7371	86,86
7164	93,55	7261	73,17	7372	93,54
7165	75,75	7262	79,85	7373	99,90
7166	83,45	7263	86,21	7375	83,47
7167	90,06	7264	95,12	7376	91,10
7168	88,10	7265	69,00	7378	87,71
7169	97,01	7266	76,63	7400	53,73
7170	79,68	7267	83,31	7401	61,36
7171	87,31	7268	89,67	7402	68,04
7172	93,99	7269	98,57	7403	74,40
7173	92,03	7270	72,93	7404	83,30
7175	75,60	7271	80,56	7405	57,19
7176	83,23	7272	87,23	7406	64,82
7177	89,91	7273	93,60	7407	71,49
7180	136,25	7275	77,17	7408	77,85
7181	143,89	7276	84,80	7409	86,76
7182	150,56	7300	42,60	7410	61,11
7183	140,74	7301	50,22	7411	68,75
7185	139,71	7302	56,90	7412	75,42
7186	147,35	7303	63,26	7413	81,79
7187	154,02	7304	72,17	7415	65,35
7188	144,19	7305	46,05	7416	72,99
7190	143,64	7306	53,68	7417	79,67
7191	151,27	7307	60,36	7420	69,60
7192	157,95	7308	66,72	7421	77,23
7195	131,69	7309	75,62	7460	77,36
7196	139,33	7310	49,98	7461	85,00
7200	31,16	7311	57,61	7462	91,67
7201	38,79	7312	64,29	7463	98,03
7202	45,47	7313	70,65	7464	106,93
7203	51,83	7315	54,22	7465	80,81
7204	60,73	7316	61,85	7466	88,45
7205	34,62	7317	68,53	7467	95,12
7206	42,25	7320	58,46	7468	101,49
7207	48,93	7321	66,09	7470	84,75
7208	55,29	7360	71,84	7471	92,38
7209	64,19	7361	79,48	7472	99,05
7210	38,55	7362	86,15	7475	88,99
7211	46,18	7363	92,52	7476	96,61
7212	52,85	7364	101,42	7500	63,86
7213	59,22	7365	75,30	7501	71,50
7215	42,79	7366	82,94	7502	78,18

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
7503	84,54	7620	101,06	7778	49,05
7504	93,44	7700	100,93	7779	56,68
7505	67,32	7701	108,56	7780	184,36
7506	74,95	7702	115,24	7781	191,99
7507	81,65	7703	121,59	7785	187,81
7508	87,99	7705	104,39	7786	195,45
7509	96,89	7706	112,02	7788	75,12
7510	71,25	7707	118,70	7789	82,75
7511	78,89	7708	125,05	7798	20,60
7512	85,56	7710	108,31	7799	28,23
7513	91,92	7711	115,94	7800	187,38
7515	75,49	7712	122,62	7801	195,02
7516	83,12	7715	112,55	7802	201,69
7517	89,80	7716	120,19	7805	190,84
7520	79,73	7720	99,27	7806	198,47
7521	87,37	7721	106,91	7807	205,16
7560	82,87	7722	113,57	7808	31,65
7561	90,49	7723	119,94	7809	39,28
7562	97,17	7725	102,73	7810	194,78
7563	103,53	7726	110,35	7811	202,40
7564	112,44	7727	117,04	7818	53,77
7565	86,33	7728	123,39	7819	61,40
7566	93,95	7730	106,66	7820	192,12
7567	100,63	7731	114,29	7821	199,74
7568	106,99	7732	120,96	7822	206,43
7570	90,25	7735	110,90	7825	195,57
7571	97,88	7736	118,53	7826	203,20
7572	104,56	7740	127,63	7827	209,88
7575	94,49	7741	135,26	7828	79,85
7576	102,12	7742	141,94	7829	87,48
7600	85,19	7745	131,09	7830	199,50
7601	92,83	7746	138,72	7831	207,13
7602	99,51	7747	145,40	7838	81,41
7603	105,87	7750	135,02	7840	9,45
7604	114,77	7751	142,64	7841	17,09
7605	88,65	7758	15,87	7842	23,76
7606	96,28	7759	23,50	7843	30,12
7607	102,97	7760	156,00	7844	39,03
7608	109,32	7761	163,63	7845	12,91
7609	118,22	7762	170,30	7846	20,54
7610	92,58	7765	159,45	7847	27,22
7611	100,21	7766	167,08	7848	33,57
7612	106,89	7768	26,93	7849	42,48
7613	113,25	7769	34,56	7850	16,84
7615	96,82	7770	163,38	7851	24,47
7616	104,46	7771	171,01	7852	31,15

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
7853	37,51	7907	39,82	7961	53,33
7855	21,08	7908	46,18	7962	60,00
7856	28,71	7909	55,08	7963	66,36
7857	35,39	7910	29,44	7964	75,27
7858	25,32	7911	37,07	7965	49,15
7859	32,95	7912	43,75	7966	56,78
7860	15,76	7913	50,11	7967	63,46
7861	23,39	7915	33,68	7968	69,82
7862	30,06	7916	41,32	7969	78,72
7863	36,43	7917	47,99	7970	53,08
7864	45,33	7918	37,93	7971	60,71
7865	19,21	7919	45,56	7972	67,38
7866	26,84	7940	31,51	7973	73,75
7867	33,52	7941	39,15	7975	57,32
7868	39,88	7942	45,82	7976	64,95
7869	48,79	7943	52,18	7977	71,63
7870	23,14	7944	61,09	7978	61,56
7871	30,77	7945	34,97	7979	69,19
7872	37,45	7946	42,60	7980	70,91
7873	43,81	7947	49,28	7981	78,54
7875	27,38	7948	55,64	7982	85,21
7876	35,01	7949	64,54	7983	91,58
7877	41,69	7950	38,90	7984	100,48
7878	31,62	7951	46,53	7985	74,36
7879	39,26	7952	53,20	7986	81,99
7900	22,06	7953	59,57	7987	88,67
7901	29,69	7955	43,14	7988	95,03
7902	36,37	7956	50,77	7990	78,29
7903	42,72	7957	57,45	7991	85,92
7904	51,63	7958	47,38	7992	92,60
7905	25,52	7959	55,01	7995	82,53
7906	33,15	7960	45,70	7996	90,16

PARTE 3 — DEL 3 — TEIL 3 — ΜΕΡΟΣ 3 — PART 3 — PARTIE 3 — PARTE 3 — DEEL 3 — PARTE 3 — OSA 3 — DEL 3

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	7050	54,91	7106	19,20
7001	9,26	7051	64,18	7107	27,31
7002	17,37	7052	72,29	7108	35,03
7003	25,10	7053	74,35	7109	45,84
7004	35,90	7055	54,41	7110	14,70
7005	4,20	7056	63,67	7111	23,97
7006	13,46	7057	71,78	7112	32,08
7007	21,57	7060	82,05	7113	39,80
7008	29,29	7061	91,31	7115	19,86
7009	40,10	7062	99,42	7116	29,12
7010	8,96	7063	92,11	7117	37,23
7011	18,24	7064	107,85	7120	21,06
7012	26,34	7065	86,24	7121	30,32
7013	34,07	7066	95,51	7122	38,43
7015	14,12	7067	103,62	7123	44,27
7016	23,38	7068	101,24	7124	55,08
7017	31,49	7069	112,05	7125	25,25
7020	15,31	7070	91,01	7126	34,52
7021	24,58	7071	100,28	7127	42,62
7022	32,69	7072	108,38	7128	48,46
7023	38,53	7073	106,01	7129	59,27
7024	49,34	7075	86,07	7130	30,02
7025	19,51	7076	95,33	7131	39,28
7026	28,78	7077	103,43	7132	47,39
7027	36,89	7080	159,72	7133	53,23
7028	42,72	7081	168,98	7135	33,29
7029	53,54	7082	177,09	7136	42,56
7030	24,28	7083	165,16	7137	50,66
7031	33,55	7084	175,96	7140	51,68
7032	41,65	7085	163,91	7141	60,95
7033	47,49	7086	173,18	7142	69,06
7035	27,55	7087	181,28	7143	71,13
7036	36,81	7088	169,35	7144	81,94
7037	44,92	7090	168,68	7145	55,88
7040	45,95	7091	177,95	7146	65,15
7041	55,21	7092	186,06	7147	73,26
7042	63,32	7095	154,17	7148	75,32
7043	65,39	7096	163,45	7149	86,13
7044	76,20	7100	5,74	7150	60,65
7045	50,14	7101	15,01	7151	69,92
7046	59,41	7102	23,11	7152	82,70
7047	67,51	7103	30,84	7153	80,09
7048	69,58	7104	41,65	7155	60,15
7049	80,40	7105	9,93	7156	69,41

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
7157	77,52	7216	61,23	7367	108,82
7160	87,79	7217	69,33	7368	116,54
7161	97,05	7220	57,11	7369	127,35
7162	105,16	7221	66,38	7370	96,21
7163	102,79	7260	79,59	7371	105,47
7164	113,59	7261	88,85	7372	113,59
7165	91,98	7262	96,97	7373	121,30
7166	101,34	7263	104,69	7375	101,36
7167	109,36	7264	115,50	7376	110,62
7168	106,98	7265	83,79	7378	106,51
7169	117,80	7266	93,05	7400	65,25
7170	96,76	7267	101,17	7401	74,51
7171	106,02	7268	108,88	7402	82,62
7172	114,13	7269	119,69	7403	90,34
7173	111,75	7270	88,56	7404	101,15
7175	91,80	7271	97,82	7405	69,45
7176	101,07	7272	105,93	7406	78,71
7177	109,18	7273	113,65	7407	86,81
7180	165,45	7275	93,71	7408	94,54
7181	174,72	7276	102,97	7409	105,35
7182	182,83	7300	51,72	7410	74,21
7183	170,89	7301	60,98	7411	83,48
7185	169,64	7302	69,10	7412	91,58
7186	178,92	7303	76,82	7413	99,31
7187	187,03	7304	87,63	7415	79,36
7188	175,09	7305	55,92	7416	88,63
7190	174,42	7306	65,18	7417	96,74
7191	183,68	7307	73,29	7420	84,51
7192	191,80	7308	81,01	7421	93,78
7195	159,92	7309	91,82	7460	93,94
7196	169,18	7310	60,69	7461	103,21
7200	37,84	7311	69,96	7462	111,31
7201	47,11	7312	78,06	7463	119,03
7202	55,22	7313	85,78	7464	129,84
7203	62,94	7315	65,84	7465	98,13
7204	73,75	7316	75,10	7466	107,40
7205	42,04	7317	83,22	7467	115,51
7206	51,30	7320	70,99	7468	123,23
7207	59,42	7321	80,25	7470	102,91
7208	67,13	7360	87,24	7471	112,17
7209	77,94	7361	96,51	7472	120,28
7210	46,81	7362	104,62	7475	108,05
7211	56,08	7363	112,34	7476	117,32
7212	64,18	7364	123,16	7500	77,55
7213	71,91	7365	91,44	7501	86,82
7215	51,96	7366	100,71	7502	94,93

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
7503	102,65	7620	122,72	7778	59,56
7504	113,46	7700	122,56	7779	68,82
7505	81,75	7701	131,82	7780	223,87
7506	91,02	7702	139,93	7781	233,13
7507	99,14	7703	147,65	7785	228,06
7508	106,84	7705	126,76	7786	237,33
7509	117,65	7706	136,02	7788	91,22
7510	86,52	7707	144,13	7789	100,48
7511	95,79	7708	151,85	7798	25,01
7512	103,89	7710	131,52	7799	34,27
7513	111,62	7711	140,79	7800	227,54
7515	91,67	7712	148,90	7801	236,81
7516	100,94	7715	136,67	7802	244,91
7517	109,05	7716	145,94	7805	231,74
7520	96,82	7720	120,54	7806	241,00
7521	106,09	7721	129,81	7807	249,12
7560	100,62	7722	137,91	7808	38,44
7561	109,88	7723	145,64	7809	47,70
7562	118,00	7725	124,74	7810	236,51
7563	125,72	7726	134,00	7811	245,77
7564	136,53	7727	142,12	7818	65,30
7565	104,82	7728	149,83	7819	74,56
7566	114,09	7730	129,51	7820	233,28
7567	122,19	7731	138,78	7821	242,54
7568	129,91	7732	146,88	7822	250,66
7570	109,59	7735	134,66	7825	237,48
7571	118,85	7736	143,92	7826	246,74
7572	126,97	7740	154,98	7827	254,86
7575	114,74	7741	164,25	7828	96,96
7576	124,01	7742	172,36	7829	106,22
7600	103,45	7745	159,18	7830	242,25
7601	112,72	7746	168,45	7831	251,52
7602	120,83	7747	176,55	7838	98,86
7603	128,55	7750	163,95	7840	11,48
7604	139,37	7751	173,21	7841	20,75
7605	107,65	7758	19,27	7842	28,86
7606	116,92	7759	28,53	7843	36,58
7607	125,03	7760	189,43	7844	47,39
7608	132,75	7761	198,69	7845	15,68
7609	143,55	7762	206,80	7846	24,94
7610	112,42	7765	193,62	7847	33,05
7611	121,69	7766	202,88	7848	40,77
7612	129,79	7768	32,70	7849	51,58
7613	137,52	7769	41,97	7850	20,45
7615	117,57	7770	198,39	7851	29,71
7616	126,84	7771	207,66	7852	37,82

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
7853	45,54	7907	48,36	7961	64,76
7855	25,60	7908	56,08	7962	72,86
7856	34,86	7909	66,89	7963	80,58
7857	42,97	7910	35,75	7964	91,40
7858	30,75	7911	45,02	7965	59,68
7859	40,01	7912	53,13	7966	68,95
7860	19,14	7913	60,85	7967	77,06
7861	28,40	7915	40,90	7968	84,78
7862	36,50	7916	50,17	7969	95,59
7863	44,23	7917	58,28	7970	64,45
7864	55,04	7918	46,05	7971	73,72
7865	23,33	7919	55,32	7972	81,82
7866	32,60	7940	38,27	7973	89,55
7867	40,70	7941	47,54	7975	69,61
7868	48,43	7942	55,64	7976	78,87
7869	59,24	7943	63,36	7977	86,98
7870	28,10	7944	74,18	7978	74,75
7871	37,37	7945	42,46	7979	84,02
7872	45,48	7946	51,73	7980	86,10
7873	53,19	7947	59,84	7981	95,37
7875	33,25	7948	67,56	7982	103,47
7876	42,51	7949	78,37	7983	111,20
7877	50,63	7950	47,23	7984	122,01
7878	38,40	7951	56,50	7985	90,30
7879	47,67	7952	64,61	7986	99,56
7900	26,79	7953	72,33	7987	107,67
7901	36,05	7955	52,39	7988	115,40
7902	44,16	7956	61,65	7990	95,07
7903	51,88	7957	69,76	7991	104,34
7904	62,69	7958	57,53	7992	112,44
7905	30,99	7959	66,80	7995	100,22
7906	40,25	7960	55,49	7996	109,48

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)

Tillægstold for sukker (AD S/Z) og for mel (AD F/M) (pr. 100 kg nettovægt)

Beträge der Zusatzzölle für Zucker (AD S/Z) und für Mehl (AD F/M) (für 100 kg Nettogewicht)

Ποσά πρόσθετων δασμών στη ζάχαρη (AD S/Z) και στο αλεύρι (AD/FM) (για 100 kg καθαρού βάρους)

Amounts of additional duties on sugar (AD S/Z) and on flour (AD F/M) (per 100 kilograms net weight)

Montants des droits additionnels sur le sucre (AD S/Z) et sur la farine (AD F/M) (par 100 kilogrammes poids net)

Importi dei dazi aggiuntivi sullo zucchero (AD S/Z) e sulla farina (AD F/M) (per 100 kg peso netto)

Bedragen der aanvullende invoerrechten op suiker (AD S/Z) en op meel (AD F/M) (per 100 kg nettogewicht)

Montantes dos direitos adicionais sobre o açúcar (AD S/Z) e sobre a farinha (AD F/M) (por 100 quilogramas de peso líquido)

Sokeriin (AD S/Z) ja jauhoihin (AD F/M) (100 nettopainokilolta) sovellettavat lisätullit

Tilläggstull för socker (AD S/Z) och för mjöl (AD F/M) (per 100 kg nettovikt)

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	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	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg		ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
1704 90 30	13,23		1806 90 70	(**)	
1806 20 10	(**)		1806 90 90	(**)	
1806 20 30	(**)		1905 30 11	(*)	
1806 20 50	(**)		1905 30 19	(*)	
1806 20 80	(**)		1905 30 30	(*)	
1806 20 95	(**)		1905 30 51	(*)	
1806 31 00	(**)		1905 30 59	(*)	
1806 32 10	(**)		1905 30 91		(*)
1806 32 90	(**)		1905 30 99	(*)	
1806 90 11	(**)		1905 90 40		(*)
1806 90 19	(**)		1905 90 45		(*)
1806 90 31	(**)		1905 90 55		(*)
1806 90 39	(**)		1905 90 60	(*)	
1806 90 50	(**)		1905 90 90		(*)
1806 90 60	(**)				

(*) Véase 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.

(**) Véase parte 3 / Se del 3 / Siehe Teil 3 / Βλέπε μέρος 3 / See Part 3 / Voir partie 3 / Vedi parte 3 / Zie deel 3 / Ver parte 3 / Katso osa 3 / Se del 3.

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, ιμβερτοποιημένο 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 Sakkarosipitoisuus, inverttisokeri ja/tai isoglukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0
> = 05 — < 30	7,63
> = 30 — < 50	14,31
> = 50 — < 70	20,67
> = 70	29,57

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glucose 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 glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Täkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0
> = 05 — < 25	3,46
> = 25 — < 50	7,38
> = 50 — < 75	11,63
> = 75	15,87

PARTE 3 — DEL 3 — TEIL 3 — ΜΕΡΟΣ 3 — PART 3 — PARTIE 3 — PARTE 3 — DEEL 3 — PARTE 3 — OSA 3 — DEL 3

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, ιμβερτοποιημένο 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, aúcar invertido e/ou isoglicose Sakkarosipitoisuus, inverttisokeri ja/tai isogluukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0
> = 05 — < 30	9,26
> = 30 — < 50	17,37
> = 50 — < 70	25,10
> = 70	35,90

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glucose 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 glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Täkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M
	ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0
> = 05 — < 25	4,20
> = 25 — < 50	8,96
> = 50 — < 75	14,12
> = 75	19,27

COMMISSION REGULATION (EC) No 1523/98
of 16 July 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 17 July 1998.

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

Done at Brussels, 16 July 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 16 July 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	066	42,2
	999	42,2
0709 90 70	052	45,9
	999	45,9
0805 30 10	382	62,3
	388	65,8
	524	66,5
	528	61,7
	999	64,1
	064	89,8
0808 10 20, 0808 10 50, 0808 10 90	388	77,0
	400	83,3
	508	96,7
	512	72,0
	524	88,7
	528	77,8
	804	110,7
	999	87,0
	388	109,4
	512	97,4
0808 20 50	528	106,0
	804	181,6
	999	123,6
0809 10 00	052	231,0
	064	138,7
	066	89,3
	999	153,0
0809 20 95	052	339,5
	064	208,0
	400	289,6
	404	426,5
	616	155,9
	999	283,9
0809 40 05	064	116,4
	624	270,8
	999	193,6

⁽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 1524/98
of 16 July 1998

**laying down detailed rules for the application of the specific measures adopted in
respect of fruit and vegetables, plants and flowers for the benefit of the French
overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Articles 2(6), 14(4) and Article 16 thereof,

Whereas detailed rules for the application of Regulation (EEC) No 3763/91, as amended by Regulation (EC) No 2598/95, should be adopted as regards Article 2 thereof which provides for the extension to certain processed fruit of the measures to promote the supply of the French overseas departments (hereinafter referred to as 'the FOD'), and Article 14 thereof introducing aid for the production of processed fruit and vegetables;

Whereas common detailed rules for implementation of the specific measures for the supply of certain agricultural products to the FOD are laid down in Commission Regulation (EEC) No 131/92 ⁽³⁾, as last amended by Regulation (EC) No 1736/96 ⁽⁴⁾, and whereas detailed rules for the application of the system of import licences for products processed from fruit and vegetables are laid down in Commission Regulation (EC) No 1921/95 ⁽⁵⁾, as amended by Regulation (EC) No 2427/95 ⁽⁶⁾;

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, additional detailed rules should be laid down which are adapted to commercial practices as regards in particular the period of validity of licences and certificates and the amount of the security; whereas, in addition, the forecast supply balance for processed fruit for the FOD should be established, and the amount of aid should be set, taking account of the advantage resulting from customs duty exemption for products imported from third countries;

Whereas, in order to simplify the legislation, the body of this Regulation should include the provisions adopted in Commission Regulation (EC) No 489/97 of 17 March 1997 laying down detailed rules for the application of the specific measures adopted in respect of fresh fruit and vegetables, plants and flowers for the benefit of the

French overseas departments (FOD) ⁽⁷⁾ for implementing the marketing and production aid schemes referred to in Articles 13 and 15 of Regulation (EEC) No 3763/91, and Regulation (EC) No 489/97 should be repealed;

Whereas, pursuant to the aforementioned Article 13, the marketing aid is to be set on a flat rate basis for each of the product categories to be determined, based on the average value of the products, and within the limits of annual quantities for each product category; whereas firstly a list of products eligible for the aid should be drawn up based on the supply needs of the regional markets, and secondly the categories should be established on the basis of the average value of the products so covered, and finally a maximum quantity for all the FOD should be set, providing for distribution of the quantities to be performed by the national authorities to enable the quantities available to be more closely matched to regional needs; whereas this requirement will allow products to be supplied to an FOD other than the one in which the product was harvested;

Whereas specific detailed rules should be laid down to ensure that the quantities set are monitored and the conditions for the grant of the aid are met; whereas, to that end, a system of approval of operators in the distribution and catering sectors and mass caterers, who undertake to meet certain requirements, will ensure satisfactory administration of the supply system;

Whereas, as regards the aid for the production of green vanilla and the aid for the production of essential geranium and vetiver oils, an approval mechanism, firstly for preparers of dried vanilla or vanilla extracts, and secondly for local collecting and marketing bodies, which undertake in particular to pay the aid in full to the recipient producers and meet the control requirements, will make it possible, within the framework of existing marketing structures, to apply these measures satisfactorily; whereas the quantities laid down in Article 13(3) of Regulation (EC) No 3763/91 are ceilings which, according to the most recent estimates communicated by the French authorities, will not be reached in the medium term; whereas for the sake of sound administration, and taking account of the needs of the most remote regions in question, the corresponding quantities available should be used for implementing the marketing scheme referred to above;

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 5.

⁽³⁾ OJ L 15, 22. 1. 1992, p. 13.

⁽⁴⁾ OJ L 225, 6. 9. 1996, p. 3.

⁽⁵⁾ OJ L 185, 4. 8. 1995, p. 10.

⁽⁶⁾ OJ L 249, 17. 10. 1995, p. 12.

⁽⁷⁾ OJ L 76, 18. 3. 1997, p. 6.

Whereas, pursuant to Article 14 of Regulation (EEC) No 3763/91, firstly a list of products eligible for the aid should be drawn up, within the limits of annual quantities established for each category and in line with the scope for the development of local production and processing, and the amounts of the aid should be set on the basis of the prices of local or imported raw materials, and secondly special detailed rules should be adopted to ensure that the system is monitored and the conditions for granting the aid are met, in particular as regards contracts and the minimum price guaranteed to producers, and whereas to that end it is appropriate to incorporate certain provisions of Commission Regulation (EC) No 504/97 ⁽¹⁾, as amended by Regulation (EC) No 1491/97 ⁽²⁾, laying down detailed rules for the application of Council Regulation (EC) No 2201/96 ⁽³⁾, as amended by Regulation (EC) No 2199/97 ⁽⁴⁾, as regards the system of production aid for products processed from fruit and vegetables;

Whereas, as regards the marketing aid under the annual contracts referred to in Article 15 of Regulation (EEC) No 3763/91, it is necessary to define the concept of annual contract and specify the basis to be used for calculating the amount of aid, fixed at 10 % of the value of the production marketed, free at destination, and 13 % where Article 15(4) is applied; whereas, finally, the mechanism for distributing the quantities benefiting from the aid should be laid down for cases in which the ceilings fixed in that Article are exceeded;

Whereas general provisions applicable to these measures as a whole, especially those concerning control and notification, should be set out in a final chapter;

Whereas, in order to ensure optimum implementation of the new measures, the date of application of this Regulation should be 1 July 1998;

Whereas the measures provided for in this Regulation are in accordance with the joint opinion of the Management Committee for Fruit and Vegetables, the Management Committee for Products Processed from Fruit and Vegetables and the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Aid for supply

Article 1

1. For the purposes of Article 2(1) of Regulation (EEC) No 3763/91, the fruit and vegetable products exempt from duty on import from third countries or receiving

⁽¹⁾ OJ L 78, 20. 3. 1997, p. 4.

⁽²⁾ OJ L 202, 30. 7. 1997, p. 27.

⁽³⁾ OJ L 297, 21. 11. 1996, p. 29.

⁽⁴⁾ OJ L 303, 6. 11. 1997, p. 1.

Community aid shall be as set out in the forecast supply balance given in Part A of Annex I to this Regulation.

2. The aid provided for in Article 2(4) of Regulation (EEC) No 3763/91 for products for which a forecast supply balance is established shall be as set out in Part B of Annex I to this Regulation.

Article 2

Subject to the specific provisions of this Regulation, Regulation (EEC) No 131/92 shall apply.

Article 3

1. France shall designate the competent authorities responsible for issuing the import licences, exemption certificates and aid certificates provided for in Articles 2, 2a and 3 respectively of Regulation (EEC) No 131/92 and for payment of the aid and administration of securities.

2. Licence and certificate applications shall be submitted to the competent authority during the first five working days of any month. Applications shall be admissible only where they do not exceed the quantity available under the forecast balance and where the operator has lodged a security of ECU 3 per 100 kg.

3. Licences and certificates shall be issued on the 10th working day of the month at the latest.

4. Licences and certificates shall expire on the last day of the second month following the month in which they were issued.

5. Where, pursuant to Article 4(1) of Regulation (EEC) No 131/92, a licence or certificate is issued for a quantity which is less than the quantity applied for, the operator may withdraw his application within three working days of the date on which the licence or certificate is issued. The security relating to the licence or certificate shall then be released.

CHAPTER II

Aid for marketing on the regional market

Article 4

The aid provided for in Article 13 of Regulation (EEC) No 3763/91 shall be granted in respect of fresh fruit and vegetables with the exception of bananas other than plantains falling within CN code 0803 00 11, flowers and live plants listed in Chapters 6, 7 and 8 of the Combined Nomenclature, pepper and fruits of the genera *Capiscum* and *Pimenta* falling within CN code 0904 and the spices falling within CN code 0910, for supply to the FOD market, under the conditions laid down in this Chapter.

Article 5

1. The aid shall be granted to the producers referred to in Article 6 in respect of the products listed in column II of Part A of Annex II under three categories A, B and C:

(a) which comply with the standards established pursuant to Title I of Commission Regulation (EC) No 2200/96⁽¹⁾ as regards fruit and vegetables or, where such standards have not been established for the products concerned, with the quality specifications in the supply contracts referred to below; however, products presenting special characteristics linked to tropical production conditions shall not be excluded; and

(b) which are covered by supply contracts between the types of operator referred to in Article 6 for one or more marketing periods, concluded before the commencement of the relevant period, or before a date fixed by the competent authorities.

2. The amounts of aid applicable to each category of product shall be those set out in column IV of Part A of Annex II.

3. The aid shall be granted up to the annual quantities for each category of product set out in column III of Part A of Annex II.

The competent authorities shall determine for each FOD the products and quantities thereof in respect of which aid may be granted. They shall adjust the apportionment in the light of specific needs and available quantities.

4. Where justified by the supply needs for one or more products, the competent authorities may grant the aid for supply to a FOD other than the one in which the product concerned was harvested.

Article 6

1. Supply contracts shall be concluded between individual producers or producer groups on the one hand and, on the other, operators in the distribution sector, enterprises in the catering sector or mass caterers established in the production region and approved by the national authorities, without prejudice to Article 5(4).

The increase in aid provided for in the sixth subparagraph of Article 13(1) of Regulation (EEC) No 3763/91 and shown in column V of Part A of Annex II shall apply to contracts concluded by producer organisations recognised in accordance with Article 11 of Council Regulation (EC) No 2200/96 or producer groups recognised under Council Regulation (EEC) No 1360/78⁽²⁾ with operators in the distribution sector, enterprises in the catering sector or mass caterers.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 166, 23. 6. 1978, p. 1.

2. The national authorities shall grant approval, upon application, to the distributors, enterprises and mass caterers referred to in paragraph 1 which undertake in writing to:

(a) supply the regional market with the products covered by the supply contracts;

(b) keep separate accounts for the supply contracts;

(c) provide the competent authorities, when the latter so request, with all supporting documentation concerning the implementation of the contracts and fulfilment of the undertakings made pursuant to this Regulation.

Article 7

1. Producers wishing to benefit from the aid arrangements shall send to the administration designated by the competent authorities, not later than the deadline set by those authorities, a declaration accompanied by a copy of a supply contract or a preliminary supply contract as referred to in Article 6(1), giving at least the following information:

- the business names of the parties to the contract,
- a precise description of the product(s) covered by the contract,
- an indication of the quantities to be supplied during the marketing period(s) and the forecast supply schedule.

2. The competent authorities may set a minimum quantity for each aid application.

Article 8

1. Where the information referred to in Article 7(1) indicates that there is a likelihood of the quantity set for a category of products shown in column III of Part A of Annex II being exceeded, the competent authorities shall set a provisional reduction coefficient to be applied to all aid applications in respect of that category of products.

The coefficient, which shall be equivalent to the ratio between the quantities referred to in column III of Part A of Annex II and those set by contract plus any additional quantities agreed, shall be calculated before any decision is taken to grant the aid and not later than one month after the date referred to in Article 7(1).

2. Where paragraph 1 is applied, the competent authorities shall establish at the end of the marketing year the definitive reduction coefficient to be applied to all aid applications in respect of the category of products concerned submitted during the marketing year.

CHAPTER III

Aid for the production of green vanilla and essential oils of geranium and vetiver*Article 9*

1. Production aid for green vanilla falling within CN code ex 0905 intended for the production of dried (black) vanilla or vanilla extracts as provided for in Article 13(2) of Regulation (EEC) No 3763/91 shall be paid to the green vanilla producer via the processors approved by the competent authorities.

Where necessary for the proper application of the measure, the authorities shall specify the technical characteristics of the green vanilla which is eligible for production aid.

2. The competent authorities shall grant approval to processors established in the production region:

- (a) whose plant and equipment is suitable for the preparation of dried (black) vanilla or vanilla extracts; and
- (b) who undertake in writing:
 - to transfer the full amount of ECU 6,04 per kg to the green vanilla producer pursuant to one or more supply contracts not later than one month from the date of payment of the aid by the competent authorities,
 - to keep separate accounts for transactions connected with the application of this Article,
 - to allow any checks or inspections required by the competent administrations and to notify all information relating to the application of this Article.

Article 10

1. Production aid for essential oils of geranium and vetiver falling within CN codes 3301 21 and 3301 26 as provided for in Article 13(3) of Regulation (EEC) No 3763/91 shall be paid to producers through local collection and marketing bodies approved by the competent authorities.

The aid shall be paid for finished products obtained in accordance with recognised manufacturing procedures and having the technical characteristics published by the competent authorities.

2. The competent authorities shall grant approval to the bodies referred to in paragraph 1 established in the production region which undertake in writing:

- (a) to transfer to the producers the full amount of ECU 44,68 per kg of essential oils of geranium and vetiver pursuant to one or more supply contracts not later than one month from the date of payment of the aid by the competent administration;

- (b) to keep separate accounts for transactions connected with the application of this Article;

- (c) to allow any checks or inspections required by the competent administration and to notify all information relating to the application of this Article.

Article 11

1. Where the quantities for which aid applications are made under Article 9 or 10 exceed the annual quantities laid down in Part B of Annex II, the competent authorities shall set a percentage reduction to be applied to all applications.

2. The competent authorities shall adopt the necessary additional administrative provisions for the application of Articles 9 and 10, in particular as regards the submission of aid applications, and shall carry out the necessary checks on green vanilla producers, dried vanilla and vanilla extract processors, producers of geranium and vetiver oils and the collection and marketing bodies for these products.

They may make payment of the aid conditional upon the presentation of delivery notes jointly signed by the producer and, as the case may be, the processors or the approved collection and marketing bodies.

CHAPTER IV

Aid for the processing of fruit and vegetables*Article 12*

The production aid provided for in Article 14 of Regulation (EEC) No 3763/91 shall be paid to the processors approved by France under the conditions laid down in this Chapter.

Article 13

1. The aid shall be paid for the processing of fruit and vegetables harvested in the FOD for which processors have paid a price at least equal to the minimum price under processing contracts covering the manufacture of products listed in Part B of Annex III.

2. The aid shall be paid up to the annual quantities for each of the three categories A, B and C set out in column II of Part A of Annex III.

The amounts of aid applicable to each category of products shall be as set out in column IV of Part A of Annex III. However, the aid shall not be payable for pineapples falling within CN code 0804 30 used in the manufacture of preserved products qualifying for the aid scheme provided for in Council Regulation (EEC) No 525/77 ⁽¹⁾.

⁽¹⁾ OJ L 73, 21. 3. 1977, p. 43.

3. The marketing year shall run from 1 January to 31 December.

Article 14

1. Processors wishing to qualify for the aid arrangements shall submit an application for approval to the administration designated by the competent authorities, not later than the deadline set by those authorities, giving all information required by France with a view to the administration and monitoring of the system of aid.

2. The French authorities shall grant approval, upon application, to processors or legally constituted processor associations or groups which:

- (a) have equipment suitable for processing fruit and vegetables; and
- (b) undertake in writing to:
 - keep separate accounts for implementation of the contracts referred to in Article 15,
 - provide the competent administration, when the latter so requests, with all supporting documentation concerning the implementation of the contracts and fulfilment of the undertakings made pursuant to this Regulation.

Article 15

1. Contracts as referred to in Article 14(1) of Regulation (EEC) No 3763/91, hereinafter referred to as 'processing contracts', shall be concluded in writing before the beginning of each marketing year. They shall take one of the following forms:

- (a) a contract between a producer or a producer organisation recognised pursuant to Article 11 of Regulation (EC) No 2200/96, on the one hand, and a processor or an association or group of processors approved by the national authorities, on the other;
- (b) an undertaking covering supplies, where the producer organisation referred to in (a) above acts as processor.

2. Processing contracts must specify:

- (a) the business names of the parties to the contract;
- (b) a precise description of the product(s) covered by the contract;
- (c) the quantities of raw materials to be supplied;
- (d) the timetable for deliveries to the processor;
- (e) the price to be paid for the raw materials, excluding in particular costs connected with packing, transport, and the payment of taxes, which shall, where applicable, be indicated separately. The price shall not be lower than the minimum price referred to in Article 13(1);

(f) the finished products to be produced.

3. On terms laid down for each product by the French authorities, the parties may decide, by written amendments to processing contracts, to increase the quantities originally stipulated therein.

Such amendments shall relate overall to no more than 30 % of the quantities originally stipulated in the contracts.

4. Where producer organisations act also as processors, the processing contracts covering their own production shall be deemed to have been concluded after the following particulars are forwarded to the competent authority within the time limit laid down in paragraph 5:

- (a) the total area on which the raw material is grown, together with cadastral reference numbers or a reference recognised as equivalent by the inspection agency,
- (b) an estimate of the total harvest,
- (c) the quantity intended to be processed,
- (d) the forecast processing schedule.

5. The processor or association of processors shall forward a copy of each processing contract and of any amendments thereto to the body designated by France. Such copies must be forwarded to the competent authorities within 10 working days following the conclusion of the contract or of any amendment thereto and reach them five working days before the start of deliveries.

6. For the 1998 marketing year, the final date for signing the contracts referred to in paragraph 1 shall be deferred to 30 September 1998.

Article 16

1. Without prejudice to cases covered by Article 15(1)(b), processors shall pay the price of the raw materials to the producer organisation or individual producer exclusively by bank or post-office transfer order or by crossed cheque.

Producer organisations shall pay producers the amount referred to in the first subparagraph in full within 15 working days of receipt, by bank or post-office transfer order or by crossed cheque. In cases as referred to in Article 15(1)(b), payment may be made by opening a credit. France shall adopt the measures necessary to check compliance with the provisions of this paragraph and shall provide in particular for penalties to be imposed on the administrators of the producer organisation in relation to the seriousness of the failure to comply.

2. France may adopt additional provisions relating to processing contracts, covering in particular time limits, terms and methods of payment of the minimum price and damages payable by processors, producer organisations or producers where they do not fulfil their obligations under contracts.

Article 17

Without prejudice to minimum quality criteria laid down or to be laid down in accordance with the procedure provided for in Article 46 of Regulation (EC) No 2200/96, raw materials delivered to processors under processing contracts shall be of sound and fair merchantable quality and suitable for processing.

Article 18

1. Processors shall submit two aid applications in respect of each marketing year to the agency designated by France:

- (a) the first relating to products processed from 1 January to 31 May;
- (b) the second relating to products processed from 1 June to 31 December.

2. Aid applications shall indicate in particular the net weight of the raw materials used and of the finished products obtained, described in accordance with Parts A and B of Annex II respectively. They shall be accompanied by copies of the transfer orders or crossed cheques provided for in the first subparagraph of Article 16(1). In the case of undertakings covering supplies, such copies may be replaced by a declaration by the producer to the effect that the processor has credited him with a price at least equal to the minimum price. Such copies or declarations shall quote the references of the relevant contracts.

Article 19

1. Where the information referred to in Article 15(5) indicates that there is a likelihood of the quantity set for a category of products shown in column III of Part A of Annex III being exceeded, the competent authorities shall set a provisional reduction coefficient to be applied to all aid applications in respect of that category submitted under Article 18(1)(a) above.

The coefficient, which shall be equivalent to the ratio between the quantities referred to in Column III of Part A of Annex III and those set by contract plus any additional quantities agreed, shall be calculated not later than 31 March.

2. Where paragraph 1 is applied, the competent authorities shall establish at the end of the marketing year the definitive reduction coefficient to be applied to all aid applications in respect of the category of products concerned submitted under Article 18(1)(a) and (b).

Article 20

1. Processors shall keep records showing at least the following:

- (a) consignments of raw materials purchased and entering their premises each day and covered by processing contracts or amendments thereto, together with the numbers of any receipts in respect of such consignments;
- (b) the weight of each consignment brought into their premises and the name and address of the other party to the contract;
- (c) the quantities of finished products obtained each day from processing of the raw materials on which the aid is payable;
- (d) the quantities and prices of products leaving the processor's premises, consignment by consignment, with details of the consignee. Such data may be recorded by reference to supporting documents, provided the latter contain the abovementioned particulars.

2. Processors shall retain proof of payment in respect of all raw materials purchased under processing contracts or amendments thereto.

3. Processors shall undergo any inspections or checks deemed necessary and shall keep such additional records as the French authorities require to conduct any checks they deem necessary. Where an inspection or checks cannot be conducted for reasons attributable to the processor, despite the latter having been formally notified thereof, no aid shall be paid in respect of the marketing years in question.

CHAPTER V**Aid for marketing under annual contracts***Article 21*

1. For the purposes of Article 15 of Regulation (EEC) No 3763/91, 'annual contract' means a contract by which an operator, either a natural or a legal person established elsewhere in the Community, outside the FOD, undertakes, before the beginning of the marketing period for the product or products in question, to purchase all or part of the production of an individual producer, producers' association or group in the FOD, with a view to marketing it elsewhere.

2. Operators who intend to submit an application for aid shall send the annual contract to the competent French administration before the start of the marketing period for the product or products in question.

The contract shall at the very least include the following information:

- (a) the business names of the contracting parties and their places of establishment;
- (b) the description of the product or products;
- (c) the quantities concerned;

- (d) the duration of the commitment;
- (e) the marketing schedule;
- (f) the packaging and presentation method and information relating to transport (conditions and costs);
- (g) the exact delivery stage.

3. The competent administration shall assess the contracts for conformity with Article 15 of Regulation (EEC) No 3763/91 and with this Regulation. It shall verify that the contracts contain all the information specified in paragraph 2 above.

It shall inform the operator whether paragraph 6 is likely to be applied.

4. For the purpose of calculating the aid, the value of marketed production, delivered to destination zone, shall be evaluated on the basis of the annual contract, the particular transport documents and any other supporting documents submitted to justify the application for payment.

The value of the marketed production to be taken into account shall be equivalent to that of a delivery at the first port or airport of unloading.

The competent administration may request any information or additional supporting documentation required to calculate the aid.

5. Applications for aid shall be submitted by the buyer who entered into the commitment to market the product.

Where the management of the aid scheme so requires, the competent administration may specify marketing periods or years for each product.

6. Where, for a given product and for a given overseas department, the quantities for which aid is requested exceed the volume of 3 000 tonnes laid down in Article 15 of Regulation (EEC) No 3763/91 or, in the case of melons falling within CN code ex 0807 10 90, the limit laid down in paragraph 5 of that Article, the national authorities shall determine a uniform percentage reduction to be applied to all aid applications.

7. The increase in aid provided for in Article 15(4) of Regulation (EEC) No 3763/91 shall be paid on presentation of the commitments entered into by the partners to pool, for a period of not less than three years, the knowledge and know-how required to achieve the objective of the joint venture. These commitments shall include a clause prohibiting cancellation before the end of the aforementioned three-year period.

Where the aforementioned commitments are broken, the buyer may not submit an application for aid for the marketing year concerned.

CHAPTER VI

General provisions

Article 22

1. Applications for aid shall be submitted to the administration designated by the French authorities in accordance with the models established by the latter and, for the aids under Chapters II, III, IV and V, within the periods prescribed by them.

2. The applications shall be accompanied by invoices and all other supporting documents relating to the measures undertaken, in particular the reference of the supply contracts, delivery contracts, processing contracts or annual contracts for the aid referred to in, respectively, Chapters II, III, IV and V.

3. The competent administration, having verified the applications for aid and the relative supporting documents, shall pay out, in the two months following the end of the period for lodging applications, the aid determined in accordance with this Regulation.

Article 23

1. France shall communicate to the Commission:

- (a) before the beginning of each marketing year, the minimum prices referred to in Chapter IV, set in accordance with Article 14 of Regulation (EEC) No 3763/91 in respect of each category of products set out in Annex III;
- (b) no later than 31 May, broken down by category or product, the quantities covered by contract for the current marketing year pursuant to Chapters II, IV and V;
- (c) no later than 31 May, a report on the implementation of the measures referred to in this Regulation in the preceding marketing year showing in particular:
 - broken down by group of products set out in Part A of Annex I, the quantities in the forecast supply balance referred to in Chapter I for which exemption from import duty was granted or for which Community aid was paid,
 - broken down by groups of products set out in Part A of Annex I, the quantities exported to third countries or to the rest of the Community,
 - broken down by product set out in Part A of Annex II, the quantities which qualified for the aid and the increased aid referred to in Chapter II,
 - the quantities of green vanilla and oil of geranium and vetiver which qualified for the aid referred to in Chapter III,

- the quantities of raw material which qualified for the aid referred to in Chapter IV, broken down by product set out in Part A of Annex III, and the quantities, expressed in net weight, of finished products broken down in accordance with Part B of Annex III,
 - the quantities which qualified for the aid and the increased aid referred to in Chapter V, broken down by product, and their average value within the meaning of Article 21(4);
- (d) no more than a month following their publication, the additional detailed rules adopted for the application of this Regulation.
2. For the 1998 marketing year the deadline referred to in paragraph 1(a) shall be 31 August 1998.

Article 24

1. The national authorities shall take all the necessary measures to guarantee compliance with the conditions to which the grant of the aid provided for in Articles 2, 13, 14 and 15 of Regulation (EEC) No 3763/91 is subject.

To that end, they shall carry out random on-the-spot checks on aid applications representing at least 20 % of the quantities and 10 % of the beneficiaries.

They shall withdraw the approvals referred to in Articles 6(2), 9(2), 10(2) and Article 14 where the commitments to which they are subject are not fulfilled.

They may suspend the payment of aid according to the seriousness of the irregularities discovered.

2. Where aid has been paid out unduly, the competent administration shall recover the sums paid out, with interest from the date on which the aid was paid out to the date on which it was repaid by the beneficiary.

Where the undue payment has been made because of a false declaration, false documents or serious negligence on the part of the recipient, a penalty equal to the amount paid out unduly, with interest calculated in accordance with the above subparagraph, shall be imposed.

The interest rate shall be that applied by the European Monetary Cooperation Fund to its transactions in ecus as published in the C series of the *Official Journal of the European Communities*, in force on the date of the undue payment and increased by three percentage points.

3. The aid recovered shall be paid to the paying authorities or agencies and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 25

Regulation (EEC) No 489/97 is hereby repealed.

References to the Regulation repealed shall be construed as references to this Regulation in accordance with the table of equivalence in Annex IV.

Article 26

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

It shall apply from 1 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Part A: Forecast supply balance for processed fruit and vegetables for the FOD for the period 1 July to 31 December 1998

Product group	CN code	Product	Quantity (tonnes)
A	ex 2007 91 ex 2007 99	Fruit purées, being cooked preparations, whether or not containing added sugar or other sweetening matter, for processing citrus fruit other, not including tropical fruit	50
B	ex 2008 30 ex 2008 40 ex 2008 50 ex 2008 60 ex 2008 70 ex 2008 80 ex 2008 92 ex 2008 99	Fruit pulps, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit not elsewhere specified or included, for processing citrus fruit pears apricots cherries peaches strawberries mixtures, not including tropical fruit other, not including tropical fruit	750
C	ex 2009 11 11 ex 2009 11 19 ex 2009 19 11 ex 2009 19 19	Concentrated fruit juices (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, for processing orange juice	500
D	ex 2009 20 11 ex 2009 20 19	grapefruit or pomelo juice	650
	ex 2009 60 11 ex 2009 60 19 ex 2009 60 51 ex 2009 60 71	grape juice	
	ex 2009 70 11 ex 2009 70 19	apple juice	
	ex 2009 80 11 ex 2009 80 19	pear juice	
	ex 2009 80 35 ex 2009 80 38	juice of any other fruit, not including tropical fruit	
	ex 2009 90 11 ex 2009 90 19	mixtures of apple and pear juice	
	ex 2009 90 21 ex 2009 90 29	other mixtures, not including tropical fruit	
Total			1 950

Part B: Amounts of aid referred to in Article 1(2):

Product groups defined in Part A	ECU/100 kg
A	39,69
B	21,66
C	37,12
D	43,29

ANNEX II

Part A: Products referred to in Article 5(1)

Maximum quantities referred to in Article 5(3) for each period from 1 January to 31 December
 Amounts of aid referred to in Article 5(2) and increased aid referred to in the second subparagraph of Article 6(1)

Column I	Column II		Column III	Column IV	Column V
Product category	CN code	Product	Maximum quantity	Aid	Increased aid
A	0701 ex 0706 10 ex 0707 00 05 0709 90 90 0803 00 11 0804 30 00 0807 11 00	potatoes carrots cucumbers christophines, breadfruit plantains pineapples watermelons	6 800 tonnes	15,00 ECU/100 kg	15,75 ECU/100 kg
	ex 0603 10	tropical flowers (standard anthurium, alpinas, heliconias, porcelain rose, bird-of-paradise flower)	3 640 000 units	15,00 ECU/100 units	15,75 ECU/100 units
B	0702 00 00 ex 0703 10 ex 0704 ex 0705 11 0709 90 10 0709 30 00 0714 20 10 ex 0714 90 11 ex 0709 60 10 ex 0709 60 99 ex 0709 90 90 0804 40 ex 0804 50 00 ex 0805 ex 0807 ex 0810 90 30 ex 0810 90 85	tomatoes onions cabbages cabbage lettuce salad vegetables other than lettuce and chicory aubergines sweet potatoes yams, dachines or taro sweet peppers other peppers turban squash avocados mangoes citrus fruit (oranges, mandarins, lemons and limes, grapefruit and pomelos) melons and papayas lychees strawberry guavas	13 000 tonnes	23,00 ECU/100 kg	24,15 ECU/100 kg
	0703 20 0708 20 0810 10 ex 0810 90 40 ex 0810 90 85 ex 0910 10 ex 0910 30 00	garlic green beans strawberries passion fruit maracuja, granadilla, rambutan ginger turmeric	700 tonnes	30,00 ECU/100 kg	31,50 ECU/100 kg
	ex 0603 90 00 ex 0603 10 0603 10 11 0603 10 51	tropical flowers (hybrid anthurium, Canna indica) orchids roses roses	2 500 000 units	30,00 ECU/100 units	31,50 ECU/100 units

Part B: Maximum quantities referred to in Article 12 for each period from 1 January to 31 December

CN code	Product	Quantity (kg)
ex 0905 00 00	green vanilla	75 000
3301 21	essential oil of geranium	12 500
3301 26	essential oil of vetiver	2 500

ANNEX III

Part A: Products referred to in Article 13(1)

Maximum quantities per marketing year referred to in Article 13(2)

Amounts of aid referred to in Article 14(3)

Column I	Column II		Column III	Column IV
			Amount of aid	
Product category	CN code	Product	Quantity (tonnes)	Aid ECU/100 kg
A	ex 0703 10	onions for rougail and achards	8 320	21,56
	ex 0706 10 00	carrots for rougail and achards		
	ex 0714 90	christophines, breadfruit		
	0803 00 11	plantains		
	ex 0804 30 00	pineapples		
	ex 0804 50 00	guavas		
	0810 10	strawberries		
	ex 0810 90 85	strawberry guavas		
	ex 0810 90 85	ambarellas		
B	ex 0704 90	cabbage for rougail and achards	1 550	35,44
	0714 10	manioc		
	0714 20 10	sweet potatoes		
	ex 0714 90	dachines		
	ex 0709 90 90	turban squash		
	ex 0805 20	tangor mandarins		
	0805 30 90	limes		
	0807 20 00	papaws (papayas)		
	ex 0810 90 30	jackfruit, lychees		
	ex 0810 90 40	carambolas		
C	0703 20 00	garlic for rougail and achards	560	41,21
	0709 60 99	peppers		
	ex 0703 20	beans for rougail and achards		
	ex 0714 90	yams		
	ex 0804 50 00	mangoes		
	ex 0805 90 00	combava		
	ex 0810 90 40	passion fruit		

Part B: Finished products referred to in Article 14(1)

CN code	Product
ex 0710	vegetables, frozen, uncooked
ex 0712	dried vegetables
ex 0714	dried vegetables
2001	fruit and vegetables preserved by vinegar or acetic acid
2004 90 98	frozen vegetables
ex 2005 90	vegetable preserves and vegetables, vacuum sterilised
ex 2006 00	fruit preserved in sugar
2007	jams, fruit jellies, marmalades, fruit or nut purée and pastes
ex 2008	fruit pulps
2009	fruit juices

ANNEX IV

TABLE OF EQUIVALENCE

Regulation (EC) No 489/97	This Regulation
<i>Chapter I</i> Article 1 Article 2 Article 3 Article 4 Article 5	<i>Chapter II</i> Article 4 Article 5 Article 6 Article 7 Article 8
<i>Chapter II</i> Article 6 Article 7 Article 8	<i>Chapter III</i> Article 9 Article 10 Article 11
<i>Chapter III</i> Article 10 Article 11	<i>Chapter V</i> Article 22 Article 24

COMMISSION REGULATION (EC) No 1525/98**of 16 July 1998****amending Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels
for certain contaminants in foodstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food⁽¹⁾, and in particular Article 2 thereof,

Whereas some Member States have adopted, or plan to adopt, maximum levels for aflatoxins in certain foodstuffs;

Whereas, in view of the disparities between Member States and the consequent risk of distortion of competition, Community measures are necessary in order to ensure market unity while abiding by the principle of proportionality;

Whereas consequently Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs⁽²⁾ has to be added to;

Whereas aflatoxins are mycotoxins produced by certain species of *Aspergillus*, which develop at high temperatures and humidity levels; whereas aflatoxins may be present in a large number of foods;

Whereas aflatoxins, in particular aflatoxin B₁, are genotoxic carcinogenic substances; whereas for substances of this type there is no threshold below which no harmful effect is observed; whereas no admissible daily intake can therefore be set; whereas current scientific and technical knowledge and improvements in production and storage techniques do not prevent the development of these moulds and consequently do not enable the presence of the aflatoxins in food to be eliminated entirely; whereas it is, therefore, advisable to set limits as low as possible;

Whereas rules have to be set concerning the maximum limits which are acceptable in single dried and/or processed agricultural products and in compound foodstuffs in order to ensure proper human health protection

as well as proper functioning of the single market with regard to such products;

Whereas efforts to improve production, harvesting and storage methods in order to reduce the development of moulds should be encouraged;

Whereas the aflatoxins group includes a number of compounds of varying toxicity and frequency in food; whereas aflatoxin B₁ is by far the most toxic compound; whereas it is advisable, for safety reasons, to limit both the total aflatoxin content of food (compounds B₁, B₂, G₁ and G₂) and aflatoxin B₁ content;

Whereas aflatoxin M₁ is a metabolic product of aflatoxin B₁, and is present in milk and milk products from animals which have consumed contaminated feed; whereas even if aflatoxin M₁ is regarded as a less dangerous genotoxic carcinogenic substance than aflatoxin B₁, it is necessary to prevent the presence thereof in milk and milk products intended for human consumption and for young children in particular;

Whereas it is recognised that the sorting or other physical treatment methods make it possible to reduce the aflatoxin content of the groundnuts, nuts and dried fruit; that in order to minimise the effects on trade, it is advisable consequently to admit higher aflatoxin contents for those products which are not intended for direct human consumption or as an ingredient in foodstuffs; that, in these cases, the maximum limits for aflatoxins were fixed by taking at the same time into consideration the known possible effects of the abovementioned treatments respectively for the groundnuts, the nuts and the dried fruit and the need to comply after treatment with the maximum limits fixed for these products intended for direct human consumption or to be used as an ingredient in foodstuffs. That according to the progress of scientific and technological knowledge, the limits for the raw nuts and dried fruit could be reconsidered within a defined period of time;

Whereas in the case of the cereals, it cannot be excluded that sorting methods or other physical treatments can reduce the level of contamination of aflatoxins; that in order to be able to check the real effectiveness of these methods and, if necessary, to fix specific maximum limits

⁽¹⁾ OJ L 37, 13. 2. 1993, p. 1.

⁽²⁾ OJ L 31, 1. 2. 1997, p. 48.

for the unprocessed cereals, it is foreseen for a limited period to apply the maximum limits as laid down in the Annex only for the cereals and processed products thereof intended for direct human consumption or as an ingredient in foodstuffs; that in the absence of data justifying the fixing of a specific maximum limit for unprocessed cereals, after a well-defined period of time, the maximum limit laid down for the cereals and the processed products thereof intended for direct human consumption or as an ingredient of food, will also apply to the unprocessed cereals;

Whereas to allow effective control of the respect of the various limits fixed for the products in question, it is appropriate to know the exact destination by suitable labelling;

Whereas products with levels of aflatoxin exceeding the maximum limit may not be brought into circulation,

either as such, after mixture with other foodstuffs or as an ingredient in other foodstuffs;

Whereas under Article 5 of Regulation (EEC) No 315/93, Member States may maintain their national provisions concerning the maximum limits for aflatoxins in certain foodstuffs for which no Community provisions have been adopted;

Whereas it suffices for the moment to lay down general provisions for processed and compound foodstuffs; whereas specific maximum limits for aflatoxins in processed and compound foodstuffs could be fixed in case of need;

Whereas the Scientific Committee for Food has been consulted, in accordance with Article 3 of Regulation (EEC) No 315/93, on the provisions liable to affect public health;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 194/97 is amended as follows:

1. Article 2(1) is replaced by the following:

- '1. (a) The products indicated in the Annex to this Regulation must not, when placed on the market, contain higher contaminant levels than those specified therein.
- (b) The maximum limits applicable to the products, as laid down in points I.2.1.1.1 and I.2.1.2.1 of the Annex shall also be applicable to processed products thereof in so far as no specific maximum limits are fixed for such processed products.
- (c) For milk products which are dried, processed or composed of more than one ingredient, the maximum limit applicable shall be that laid down in point I.2.1.3 of the Annex for milk, taking into account respectively the concentration caused by the drying process, by processing or the relative concentrations of the ingredients in the product, in so far as no specific maximum limits are fixed for these dried, processed or compound milk products.'

2. In Article 2, paragraphs 4 and 5 are added as follows:

- '4. With regard to the products mentioned at point I.2.1 of the Annex, it is prohibited:
 - to mix products complying with the maximum limits laid down in the Annex with products exceeding these maximum limits or to mix products to be subjected to a sorting technique or physical treatment with products intended for direct human consumption or as an ingredient in foodstuffs,
 - to use products which do not comply with the maximum limits laid down in point I.2.1.1.1, I.2.1.2.1 and I.2.1.3 as an ingredient for the manufacture of other foodstuffs,
 - to detoxify products by chemical treatments.

5. Groundnuts, nuts and dried fruit not complying with the maximum limits laid down in point I.2.1.1.1 of the Annex and cereals not complying with the maximum limits laid down in point I.2.1.2.1 can be placed on the market provided that:

(a) these products:

- are not intended for direct human consumption or use as an ingredient in foodstuffs,
- comply with the maximum limits laid down in point I.2.1.1.2 of the Annex for groundnuts and point I.2.1.1.3 of the Annex for nuts and dried fruit, and
- are subjected to a secondary treatment involving sorting or other physical treatments and that after this treatment the maximum limits laid down in points I.2.1.1.1 and I.2.1.2.1 of the Annex are not exceeded, and this treatment does not result in other harmful residues;

(b) the destination of these products is demonstrated clearly by labelling comprising the indication "product must be subjected to sorting or other physical treatment to reduce aflatoxin contamination before human consumption or use as an ingredient in foodstuffs".

3. The following text is inserted under point I 'Agricultural contaminants' of the Annex:

‘2. Mycotoxins

2.1. Aflatoxins

Products	Aflatoxins: maximum admissible levels (1) (µg/kg)			Sampling method	Reference analysis method
	B ₁	B ₁ + B ₂ + G ₁ + G ₂	M ₁		
2.1.1. Groundnuts, nuts and dried fruit					
2.1.1.1. Groundnuts, nuts and dried fruit and processed products thereof, intended for direct human consumption or as an ingredient in foodstuffs	2 (4)	4 (4)	—	Directive 98/53/EC (4)	Directive 98/53/EC
2.1.1.2. Groundnuts to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs.	8 (4)	15 (4)	—	Directive 98/53/EC	Directive 98/53/EC
2.1.1.3. Nuts and dried fruit to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	5 (4) (5)	10 (4) (5)	—	Directive 98/53/EC	Directive 98/53/EC

Products	Aflatoxins: maximum admissible levels ⁽¹⁾ (µg/kg)			Sampling method	Reference analysis method
	B ₁	B ₁ + B ₂ + G ₁ + G ₂	M ₁		
2.1.2. Cereals (including buckwheat, <i>Fagopyrum sp.</i>)					
2.1.2.1. Cereals (including buckwheat, <i>Fagopyrum sp.</i>) and processed products thereof intended for direct human consumption or as an ingredient in foodstuffs	2	4	—	Directive 98/53/EC	Directive 98/53/EC
2.1.2.2. Cereals (including buckwheat, <i>Fagopyrum sp.</i>) to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs	— ⁽⁶⁾	— ⁽⁶⁾	—	Directive 98/53/EC	Directive 98/53/EC
2.1.3. Milk (raw milk, milk for the manufacture of milk-based products and heat-treated milk as defined by Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products)	—	—	0,05	Directive 98/53/EC	Directive 98/53/EC

⁽⁴⁾ The maximum limits apply to the edible part of groundnuts, nuts and dried fruits. If nuts 'in shell' are analysed, it is assumed when calculating the aflatoxin content, all the contamination is on the edible part.

⁽⁵⁾ The maximum limits shall be reconsidered before 1 July 1999 according to the progress of scientific and technological knowledge.

⁽⁶⁾ In as far as no specific limit will be fixed before 1 July 1999, the limits laid down in point 2.1.2.1 of the table will apply thereafter to the cereals referred to in this point.

⁽⁷⁾ See page 93 of this Official Journal.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1999.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1526/98**of 16 July 1998****amending Commission Regulation (EEC) No 752/93 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods ⁽¹⁾, as amended by Regulation (EC) No 2469/96 ⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee on Cultural Goods,

Whereas it is advisable, in order to eliminate unnecessary administrative work, to introduce the concept of open licences for the temporary export of cultural goods by responsible persons or organisations for use and/or for exhibition in third countries;

Whereas the Member States that wish to take advantage of such facilities should be able to do so in relation to their own cultural goods, persons and organisations, whereas the conditions to be fulfilled will differ from Member State to Member State; whereas the Member States should be able to opt for the use of open licences or not and lay down the conditions to be met for their issue;

Whereas it is necessary to lay down provisions as to the appearance of such licences so that they can be readily recognised and used anywhere in the Community;

Whereas the provisions of Article 10 relating to Common transit are no longer necessary;

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 752/93 ⁽³⁾ shall be amended as follows:

1. Article 1 shall be replaced by the following:

Article 1

1. There shall be three types of licences for the export of cultural goods which shall be issued and

used in accordance with Council Regulation (EEC) No 3911/92, hereinafter called the "Basic Regulation", and with this implementing Regulation:

- the standard licence,
- the specific open licence,
- the general open licence.

2. The use of export licences shall in no way affect obligations connected with export formalities or related documents.'

2. Article 2 shall become Article 1(3).

3. A new Article 2 shall be introduced:

Article 2

1. A standard licence shall normally be used for each export subject to the Basic Regulation. However each individual Member State concerned may decide whether or not it wishes to issue any specific or general open licences which may be used instead if the specific conditions relating to them are fulfilled as set out in Articles 10 and 13.

2. A specific open licence shall cover the repeated temporary export of a specific cultural good by a particular person or organisation as set out in Article 10.

3. A general open licence shall cover any temporary export of any of those cultural goods that form part of the permanent collection of a museum or other institution, as set out in Article 13.

4. A Member State may revoke any specific or general open licence at any time if the conditions under which it was issued are no longer met. It shall inform the Commission immediately if the licence issued is not recovered and could be used irregularly. The Commission shall immediately inform the other Member States.

5. Member States may introduce whatever reasonable measures they deem necessary in their national territory to monitor the use of their own open licences.'

4. A new Section II shall be introduced containing the existing Articles 3 to 9:

⁽¹⁾ OJ L 395, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 335, 24. 12. 1996, p. 9.

⁽³⁾ OJ L 77, 31. 3. 1993, p. 24.

'SECTION II**The standard licence'**

5. At the beginning of Article 3(1) the following shall be inserted:

'Standard licences shall be issued on the form, a model of which is in Annex I.'

6. A new Section III shall be added, the existing Article 10 shall be deleted and the existing Article 11 shall become Article 17:

'SECTION III**Open licences****CHAPTER 1****Specific open licences***Article 10*

1. Specific open licences may be issued for a specific cultural good which is liable to be temporarily exported from the Community on a regular basis for use and/or exhibition in a third country. The cultural good must be owned by, or be in the legitimate possession of, the particular person or organisation that uses and or exhibits the good.

2. A licence may only be issued provided the authorities are convinced that the person or organisation concerned offers all the guarantees considered necessary for the good to be returned in good condition to the Community and that the good can be so described or marked that there will be no doubt at the moment of temporary export that the good being exported is that described in the specific open licence.

3. A licence may not be valid for a period that exceeds five years.

Article 11

The licence shall be presented in support of a written export declaration or be available in other cases for production with the cultural goods for examination upon request.

The competent authorities of the Member State in which the licence is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs shall be met by the licence holder.

Article 12

1. The customs office authorised to accept the export declaration shall ensure that the goods

presented are those described on the export licence and that a reference is made to that licence in box 44 of the export declaration if a written declaration is required.

2. If a written declaration is required then the licence must be attached to copy 3 of the single administrative document and accompany the good to the customs office at the point of exit from the customs territory of the Community. Where copy 3 of the single administrative document is made available to the exporter or his representative, the licence shall also be made available to him for use on a subsequent occasion.

CHAPTER 2**General open licences***Article 13*

1. General open licences may be issued to museums or other institutions to cover the temporary export of any of the goods that belong to their permanent collection that are liable to be temporarily exported from the Community on a regular basis for exhibition in a third country.

2. A licence may only be issued if the authorities are convinced that the institution offers all the guarantees considered necessary for the good to be returned in good condition to the Community. The licence may be used to cover any combination of goods in the permanent collection at any one occasion of temporary export. It can be used to cover a series of different combinations of goods either consecutively or concurrently.

3. A licence may not be valid for a period that exceeds five years.

Article 14

The licence shall be presented in support of the export declaration.

The competent authorities of the Member State in which the licence is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs shall be met by the licence holder.

Article 15

1. The customs office authorised to accept the export declaration shall ensure that the licence is presented together with a list of the goods being exported and which are also described in the export declaration. The list shall be on the headed paper of

the institution and each page shall be signed by one of the persons from the institution and named on the licence. Each page shall also be stamped with the stamp of the institution as placed on the licence. A reference to the licence must be made in box 44 of the export declaration.

2. The licence shall be attached to copy 3 of the single administrative document and must accompany the consignment to the customs office at the point of exit from the customs territory of the Community. Where copy 3 of the single administrative document is made available to the exporter or his representative the licence shall also be made available to him for use on a subsequent occasion.

CHAPTER 3

Forms for the licences

Article 16

1. Specific open licences shall be issued on the form, a model of which is in Annex II.

2. General open licences shall be issued on the form a model of which is in Annex III.

3. The licence form shall be printed in one or more of the official languages of the Community.

4. The licence shall measure 210 × 297 mm. A tolerance of up to minus 5 mm or plus 8 mm in the length shall be allowed. The paper used shall be white, free of mechanical pulp, dressed for writing purposes and weigh at least 55 g/m². It shall have a printed guilloche pattern background in light blue such as to reveal any falsification by mechanical or chemical means.

5. The second sheet of the licence, which shall not have a guilloche pattern background, is for the exporter's own use or records only.

The application form to be used shall be prescribed by the Member State concerned.

6. Member States may reserve the right to print the licence forms or may have them printed by approved printers. In the latter case, each must bear a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or stamped, by which it can be identified.

7. Member States shall be responsible for taking any measure necessary in order to avoid the forging of licences. The means of identification adopted by Member States for this purpose shall be notified to the Commission, for communication to the competent authorities of the other Member States.

8. Licences shall be made out by mechanical or electronic means. In exceptional circumstances they may be made out by black ball point pen in block capitals. They shall not contain erasures, overwritten words or other alterations.'

7. A new Section IV shall be added, containing Article 17:

'SECTION IV

General provisions'

8. The existing Annex shall become Annex I.

9. Annex I to this Regulation shall be inserted as Annex II.

10. Annex II to this Regulation shall be inserted as Annex III.

Article 2

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

It shall apply from 1 September 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Mario MONTI

Member of the Commission

ANNEX I

ANNEX II

Model of form for specific open licences and copies thereof

1	1. Exporter	A. Identification number	B. Expiry date
		<p>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</p>	
1	2. Description of the goods	3. Commodity code	
		4. Photograph of cultural good (not more than 8 cm × 12 cm)	
<p>This space is available for pre-printed information at the discretion of the Member States, including any conditions</p>	C. For completion by issuing authority		
		Signature:	Stamp
		Position:	
		Place:	
		Date:	

2	1. Exporter	A. Identification number	B. Expiry date		
COPY FOR EXPORTER		<p>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</p>			
	2			2. Description of the goods	3. Commodity code
	4. Photograph of cultural good (not more than 8 cm × 12 cm)				
<p>This space is available for pre-printed information at the discretion of the Member States, including any conditions</p>		<p>C. For completion by issuing authority</p> <p>Signature: _____ Stamp: _____</p> <p>Position: _____</p> <p>Place: _____</p> <p>Date: _____</p>			

ANNEX II

ANNEX III

Model of form for general open licences and copies thereof

1	1. Exporter	A. Identification number	B. Expiry date		
		<p>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</p>			
GENERAL OPEN LICENCE					
1	<p>This is a general open licence which allows for the temporary export of cultural goods which are part of the permanent collection of</p> <p>It may be used to cover a number of different export consignments to different destinations during the period to</p> <p>It is only valid provided that it is presented together with a list of the cultural goods to be temporarily exported in a particular shipment made out on their headed notepaper and marked with this stamp</p> <p>and signed by one of the following.</p> <table><tr><td>Name</td><td>Signature</td></tr></table>			Name	Signature
Name	Signature				
	<p>This space is available for pre-printed information at the discretion of the Member States, including any conditions</p>	<p>C. For completion by issuing authority</p> <p>Signature: Stamp</p> <p>Position:</p> <p>Place:</p> <p>Date:</p>			

2	1. Exporter	A. Identification number	B. Expiry date		
		<p>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</p>			
COPY FOR EXPORTER	2				
<p>This is a general open licence which allows for the temporary export of cultural goods which are part of the permanent collection of</p> <p>It may be used to cover a number of different export consignments to different destinations during the period to</p> <p>It is only valid provided that it is presented together with a list of the cultural goods to be temporarily exported in a particular shipment made out on their headed notepaper and marked with this stamp</p> <p>and signed by one of the following.</p> <table><tr><td>Name</td><td>Signature</td></tr></table>				Name	Signature
Name	Signature				
This space is available for pre-printed information at the discretion of the Member States, including any conditions		<p>C. For completion by issuing authority</p> <p>Signature: Stamp'</p> <p>Position:</p> <p>Place:</p> <p>Date:</p>			

COMMISSION REGULATION (EC) No 1527/98
of 16 July 1998

**fixing for the 1998/99 marketing year the minimum price to be paid to producers
and the buying-in price to be applied by storage agencies for unprocessed dried
figs, the amount of production aid for dried figs**

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

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables ⁽¹⁾, as amended by Regulation (EC) No 2199/97 ⁽²⁾, and in particular Articles 3(3), 4(9) and 9(8) thereof,

Whereas Article 2 of Commission Regulation (EC) No 504/97 of 19 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1491/97 ⁽⁴⁾, fixes the dates of the marketing years;

Whereas Articles 3 and 4 of Regulation (EC) No 2201/96 set the criteria for fixing the minimum price and the amount of the production aid respectively;

Whereas Articles 1 and 2 of Commission Regulation (EEC) No 1709/84 of 19 June 1984 on minimum prices payable to producers and amounts of production aid for certain processed fruit and vegetables eligible for production aid ⁽⁵⁾, as last amended by Regulation (EEC) No 2322/89 ⁽⁶⁾, define the categories of unprocessed dried figs and dried figs respectively for which the minimum price and the aid are fixed; whereas, therefore, the minimum price and production aid for the 1998/99 marketing year should be fixed;

Whereas the criteria for fixing the price at which storage agencies but in dried figs are determined in Article 9(2)(a) of Regulation (EC) No 2201/96; whereas a single buying-in price equal to the minimum price reduced by

5 %, corresponding to category D as defined in Part I of Annex I to Regulation (EEC) No 1709/84 should be fixed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1998/99 marketing year:

- (a) the minimum price referred to in Article 3 of Regulation (EC) No 2201/96 shall be ECU 85,326 per 100 kilograms net from the producer for unprocessed dried figs in category C;
- (b) the production aid referred to in Article 4 of that Regulation shall be ECU 27,757 per 100 kilograms net for dried figs in category C.

Article 2

For the 1998/99 marketing year, the buying-in price referred to in Article 9(2) of Regulation (EC) No 2201/96 shall be ECU 62,265 per 100 kilograms net.

Article 3

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

It shall apply from 1 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ L 303, 6. 11. 1997, p. 1.

⁽³⁾ OJ L 78, 20. 3. 1997, p. 14.

⁽⁴⁾ OJ L 202, 30. 7. 1997, p. 27.

⁽⁵⁾ OJ L 162, 20. 6. 1984, p. 8.

⁽⁶⁾ OJ L 220, 27. 9. 1989, p. 58.

COMMISSION REGULATION (EC) No 1528/98
of 16 July 1998

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1079/98**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1079/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 10 July to 16 July 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be ECU 27,94 per tonne.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 24.

COMMISSION REGULATION (EC) No 1529/98
of 16 July 1998
concerning tenders notified in response to the invitation to tender for the import
of maize issued in Regulation (EC) No 1445/98

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 1445/98⁽³⁾;

Whereas Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as amended by Regulation (EC) No 1963/95⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 10 to 16 July 1998 in response to the invitation to tender for the reduction in the duty on maize issued in Regulation (EC) No 1445/98.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 7. 7. 1998, p. 47.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 1530/98
of 16 July 1998

**fixing the maximum export refund on barley in connection with the invitation to
tender issued in Regulation (EC) No 1078/98**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1078/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal 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

For tenders notified from 10 to 16 July 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1078/98, the maximum refund on exportation of barley shall be ECU 46,00 per tonne.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 20.

COMMISSION REGULATION (EC) No 1531/98**of 16 July 1998****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

ANNEX

to the Commission Regulation of 16 July 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	32,00
1001 90 91 9000	—	—	1101 00 15 9130	01	29,75
1001 90 99 9000	03	18,00	1101 00 15 9150	01	27,50
	02	0	1101 00 15 9170	01	25,50
1002 00 00 9000	03	45,00	1101 00 15 9180	01	23,75
	02	55,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	36,00	1102 10 00 9500	01	75,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	03	28,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	0 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

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

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

COMMISSION REGULATION (EC) No 1532/98**of 16 July 1998****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 961/98⁽⁸⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 16 July 1998 fixing the corrective amount applicable to the
refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-1,00	-3,00	-3,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:
01 all third countries.

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

COMMISSION REGULATION (EC) No 1533/98
of 16 July 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1455/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1455/98 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1455/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 193, 9. 7. 1998, p. 5.

ANNEX

to the Commission Regulation of 16 July 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	40,71 ⁽¹⁾
1701 11 90 9910	39,26 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,71 ⁽¹⁾
1701 12 90 9910	39,26 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4425
	— ECU/100 kg —
1701 99 10 9100	44,25
1701 99 10 9910	43,84
1701 99 10 9950	43,84
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4425

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

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

COMMISSION REGULATION (EC) No 1534/98

of 16 July 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 July 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,89	0,07	—
1703 90 00 ⁽¹⁾	8,31	—	0,00

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

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

COMMISSION REGULATION (EC) No 1535/98**of 16 July 1998****fixing the maximum export refund for white sugar for the 47th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 17 (5)(b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 47th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 47th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 46,854 per 100 kilograms.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 1536/98
of 16 July 1998
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 897/98 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 1599/96 ⁽⁶⁾; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁸⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 126, 29. 4. 1998, p. 22.

⁽⁵⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽⁷⁾ OJ L 91, 1. 4. 1984, p. 71.

⁽⁸⁾ OJ L 28, 1. 2. 1988, p. 1.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 16 July 1998 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (°)	Amount of refund	Product code	Destination (°)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	136,76
	***	—	0402 21 99 9100	+	103,34
0401 10 90 9000	970	2,327	0402 21 99 9200	+	104,05
	***	—	0402 21 99 9300	+	105,34
0401 20 11 9100	970	2,327	0402 21 99 9400	+	112,58
	***	—	0402 21 99 9500	+	115,09
0401 20 11 9500	970	3,597	0402 21 99 9600	+	124,73
	***	—	0402 21 99 9700	+	130,38
0401 20 19 9100	970	2,327	0402 21 99 9900	+	136,76
	***	—	0402 29 15 9200	+	0,7400
0401 20 19 9500	970	3,597	0402 29 15 9300	+	0,9054
	***	—	0402 29 15 9500	+	0,9538
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,0262
	***	—	0402 29 19 9200	+	0,7400
0401 20 91 9500	+	—	0402 29 19 9300	+	0,9054
0401 20 99 9100	970	4,551	0402 29 19 9500	+	0,9538
	***	—	0402 29 19 9900	+	1,0262
0401 20 99 9500	+	—	0402 29 91 9100	+	1,0334
0401 30 11 9100	+	—	0402 29 91 9500	+	1,1258
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,0334
	***	—	0402 29 99 9500	+	1,1258
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	74,00	0402 99 11 9110	+	—
0402 10 19 9000	+	74,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,7400	0402 99 11 9150	+	—
0402 10 99 9000	+	0,7400	0402 99 11 9310	+	0,2555
0402 21 11 9200	+	74,00	0402 99 11 9330	+	0,3067
0402 21 11 9300	+	90,54	0402 99 11 9350	+	0,4077
0402 21 11 9500	+	95,38	0402 99 19 9110	+	—
0402 21 11 9900	+	102,60	0402 99 19 9130	+	—
0402 21 17 9000	+	74,00	0402 99 19 9150	+	—
0402 21 19 9300	+	90,54	0402 99 19 9310	+	0,2555
0402 21 19 9500	+	95,38	0402 99 19 9330	+	0,3067
0402 21 19 9900	+	102,60	0402 99 19 9350	+	0,4077
0402 21 91 9100	+	103,34	0402 99 31 9110	+	—
0402 21 91 9200	+	104,05	0402 99 31 9150	+	0,4245
0402 21 91 9300	+	105,34	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	112,58	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	115,09	0402 99 39 9110	+	—
0402 21 91 9600	+	124,73	0402 99 39 9150	+	0,4245
0402 21 91 9700	+	130,38	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	130,38
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	136,76
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,7400
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2555
0403 10 13 9800	+	—	0404 90 83 9110	+	0,7400
0403 10 19 9800	+	—	0404 90 83 9130	+	0,9054
0403 10 31 9400	+	—	0404 90 83 9150	+	0,9538
0403 10 31 9800	+	—	0404 90 83 9170	+	1,0262
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	72,75	0404 90 83 9915	+	—
0403 90 13 9200	+	72,75	0404 90 83 9917	+	—
0403 90 13 9300	+	89,73	0404 90 83 9919	+	—
0403 90 13 9500	+	94,53	0404 90 83 9931	+	0,2555
0403 90 13 9900	+	101,68	0404 90 83 9933	+	0,3067
0403 90 19 9000	+	102,44	0404 90 83 9935	+	0,4077
0403 90 31 9000	+	0,7275	0404 90 83 9937	+	0,4245
0403 90 33 9200	+	0,7275	0404 90 89 9130	+	1,0334
0403 90 33 9300	+	0,8973	0404 90 89 9150	+	1,1258
0403 90 33 9500	+	0,9453	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,0168	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,0244	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	66,00	0405 10 50 9500	+	165,85
0403 90 59 9510	+	75,22	0405 10 50 9700	+	170,00
0403 90 59 9540	+	110,55	0405 10 90 9000	+	176,22
0403 90 59 9570	+	129,01	0405 20 90 9500	+	155,49
0403 90 61 9100	+	—	0405 20 90 9700	+	161,71
0403 90 61 9300	+	—	0405 90 10 9000	+	216,00
0403 90 63 9000	+	—	0405 90 90 9000	+	170,00
0403 90 69 9000	+	—	0406 10 20 9100	+	—
0404 90 21 9100	+	74,00	0406 10 20 9230	037	—
0404 90 21 9910	+	—		039	—
0404 90 21 9950	+	11,31		099	22,83
0404 90 23 9120	+	74,00		400	22,83
0404 90 23 9130	+	90,54		***	37,68
0404 90 23 9140	+	95,38		037	—
0404 90 23 9150	+	102,60	0406 10 20 9290	039	—
0404 90 23 9911	+	—		099	21,24
0404 90 23 9913	+	—		400	15,29
0404 90 23 9915	+	—		***	35,05
0404 90 23 9917	+	—		037	—
0404 90 23 9919	+	—		039	—
0404 90 23 9931	+	11,31		099	21,24
0404 90 23 9933	+	13,85		400	15,29
0404 90 23 9935	+	16,84		***	35,05
0404 90 23 9937	+	19,91		037	—
0404 90 23 9939	+	20,81	0406 10 20 9300	039	—
0404 90 29 9110	+	103,34		099	9,329
0404 90 29 9115	+	104,05		400	7,834
0404 90 29 9120	+	105,34		***	15,39
0404 90 29 9130	+	112,58			
0404 90 29 9135	+	115,09			
0404 90 29 9150	+	124,73			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	30,98		039	—
	400	30,98		099	9,536
	***	51,11		400	8,346
0406 10 20 9620	037	—		***	17,88
	039	—	0406 30 31 9730	037	—
	099	31,42		039	—
	400	31,42		099	13,99
	***	51,83		400	12,25
0406 10 20 9630	037	—		***	26,24
	039	—	0406 30 31 9910	037	—
	099	35,06		039	—
	400	35,06		099	9,536
	***	57,86		400	8,346
0406 10 20 9640	037	—		***	17,88
	039	—	0406 30 31 9930	037	—
	099	51,54		039	—
	400	48,35		099	13,99
	***	85,03		400	12,25
0406 10 20 9650	037	—		***	26,24
	039	—	0406 30 31 9950	037	—
	099	42,95		039	—
	400	25,44		099	20,36
	***	70,86		400	17,81
0406 10 20 9660	+	—		***	38,17
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	15,93		099	13,99
	400	13,38		400	12,25
	***	26,28		***	26,24
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	19,31		099	20,36
	400	16,22		400	17,81
	***	31,87		***	38,17
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	20,36
0406 20 90 9913	037	—		400	17,81
	039	—		***	38,17
	099	35,62	0406 30 39 9950	037	—
	400	31,59		039	—
	***	58,77		099	23,02
0406 20 90 9915	037	—		400	21,14
	039	—		***	43,16
	099	47,01	0406 30 90 9000	037	—
	400	42,12		039	—
	***	77,56		099	24,15
0406 20 90 9917	037	—		400	21,14
	039	—		***	45,28
	099	49,94	0406 40 50 9000	037	—
	400	44,75		039	—
	***	82,41		099	54,55
0406 20 90 9919	037	—		400	32,98
	039	—		***	90,00
	099	55,82			
	400	50,02			
	***	92,10			

Product code	Destination (°)	Amount of refund	Product code	Destination (°)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	56,01		099	36,20
	400	32,98		400	20,01
	***	92,42		***	59,72
0406 90 13 9000	037	—	0406 90 35 9190	037	28,95
	039	—		039	28,95
	099	60,16		099	61,40
	400	60,16		400	61,40
	***	99,26		***	101,30
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	62,17		099	54,68
	400	62,17		400	40,19
	***	102,58		***	90,22
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	62,17		099	60,16
	400	62,17		400	60,16
	***	102,58		***	99,26
0406 90 21 9900	037	—	0406 90 61 9000	037	40,61
	039	—		039	40,61
	099	61,63		099	65,82
	400	44,53		400	57,27
	***	101,68		***	108,59
0406 90 23 9900	037	—	0406 90 63 9100	037	37,12
	039	—		039	37,12
	099	36,51		099	63,89
	400	18,57		400	63,89
	***	75,31		***	105,42
0406 90 25 9900	037	—	0406 90 63 9900	037	29,52
	039	—		039	29,52
	099	36,98		099	48,93
	400	21,16		400	48,93
	***	76,25		***	80,75
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	33,48		039	—
	400	18,57		099	48,93
	***	69,06		400	48,93
0406 90 31 9119	037	—		***	80,75
	039	—	0406 90 73 9900	037	—
	099	38,17		039	—
	400	25,56		099	52,63
	***	62,99		400	52,63
0406 90 33 9119	037	—		***	86,83
	039	—	0406 90 75 9900	037	—
	099	38,17		039	—
	400	25,56		099	51,97
	***	62,99		400	22,27
0406 90 33 9919	037	—		***	85,75
	039	—	0406 90 76 9300	037	—
	099	34,36		039	—
	400	20,33		099	34,88
	***	56,69		400	20,12
				***	71,94

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	099	40,07	0406 90 86 9200	037	—
	400	23,22		039	—
	***	82,65		099	29,74
0406 90 76 9500	037	—		400	27,65
	039	—		***	61,34
	099	38,60	0406 90 86 9300	037	—
	400	23,22		039	—
	***	79,62		099	30,78
0406 90 78 9100	037	—		400	30,30
	039	—		***	63,48
	099	32,73	0406 90 86 9400	037	—
	400	18,14		039	—
	***	67,50		099	34,58
0406 90 78 9300	037	—		400	34,28
	039	—		***	71,32
	099	40,07	0406 90 86 9900	037	—
	400	20,12		039	—
	***	82,65		099	43,80
0406 90 78 9500	037	—		400	40,24
	039	—		***	90,34
	099	40,07	0406 90 87 9100	+	—
	400	23,22	0406 90 87 9200	037	—
	***	82,65		039	—
0406 90 79 9900	037	—		099	24,78
	039	—		400	24,78
	099	30,31		***	51,11
	400	19,23	0406 90 87 9300	037	—
	***	62,51		039	—
0406 90 81 9900	037	—		099	28,27
	039	—		400	28,02
	099	53,71		***	58,31
	400	47,61	0406 90 87 9400	037	—
	***	88,63		039	—
0406 90 85 9910	037	28,95		099	30,66
	039	28,95		400	30,66
	099	59,27		***	63,25
	400	59,27	0406 90 87 9951	037	—
	***	97,79		039	—
0406 90 85 9991	037	—		099	42,19
	039	—		400	42,19
	099	54,68		***	87,04
	400	40,19	0406 90 87 9971	037	—
	***	90,22		039	—
0406 90 85 9995	037	—		099	42,07
	039	—		400	34,41
	099	51,97		***	86,78
	400	21,16	0406 90 87 9972	099	16,03
	***	85,75		400	13,67
				***	33,07

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	099	37,66	2309 10 19 9300	+	—
	400	24,08	2309 10 19 9400	+	—
	***	77,68	2309 10 19 9500	+	—
0406 90 87 9974	037	—	2309 10 19 9600	+	—
	039	—	2309 10 19 9700	+	—
	099	42,07	2309 10 19 9800	+	—
	400	24,08	2309 10 70 9010	+	—
	***	86,78	2309 10 70 9100	+	13,85
0406 90 87 9979	037	—	2309 10 70 9200	+	18,47
	039	—	2309 10 70 9300	+	23,09
	099	36,51	2309 10 70 9500	+	27,70
	400	24,08	2309 10 70 9600	+	32,32
	***	75,31	2309 10 70 9700	+	36,94
0406 90 88 9100	+	—	2309 10 70 9800	+	40,63
0406 90 88 9105	037	—	2309 90 35 9010	+	—
	039	—	2309 90 35 9100	+	—
	099	52,46	2309 90 35 9200	+	—
	400	30,30	2309 90 35 9300	+	—
	***	86,56	2309 90 35 9400	+	—
0406 90 88 9300	037	—	2309 90 35 9500	+	—
	039	—	2309 90 35 9700	+	—
	099	31,84	2309 90 39 9010	+	—
	400	30,30	2309 90 39 9100	+	—
	***	52,55	2309 90 39 9200	+	—
2309 10 15 9010	+	—	2309 90 39 9300	+	—
2309 10 15 9100	+	—	2309 90 39 9400	+	—
2309 10 15 9200	+	—	2309 90 39 9500	+	—
2309 10 15 9300	+	—	2309 90 39 9600	+	—
2309 10 15 9400	+	—	2309 90 39 9700	+	—
2309 10 15 9500	+	—	2309 90 39 9800	+	—
2309 10 15 9700	+	—	2309 90 70 9010	+	—
2309 10 19 9010	+	—	2309 90 70 9100	+	13,85
			2309 90 70 9200	+	18,47
			2309 90 70 9300	+	23,09
			2309 90 70 9500	+	27,70
			2309 90 70 9600	+	32,32
			2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 42(1)(a) and (b) of Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 1537/98**of 16 July 1998****fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1909/97⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1011/98⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 July 1998.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 145, 15. 5. 1998, p. 11.

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

Done at Brussels, 16 July 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 16 July 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	1,797 1,324 2,765
1002 00 00	Rye	3,140
1003 00 90	Barley	4,024
1004 00 00	Oats	2,388
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	 1,639 3,440 1,470 3,271 3,440 1,639 3,440
1006 20	Husked rice: — round grain — medium grain — long grain	 3,178 2,829 2,829
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	 4,100 4,100 4,100
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	 0,804 2,700 2,700

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	4,024
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,495
	— in other cases	2,300
1102 10 00	Rye flour	4,302
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,495
	— in other cases	2,300

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

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

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

COMMISSION REGULATION (EC) No 1538/98**of 16 July 1998****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Commission Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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 export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 16 July 1998 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	48,16	1104 23 10 9100	51,60
1102 20 10 9400 ⁽¹⁾	41,28	1104 23 10 9300	39,56
1102 20 90 9200 ⁽¹⁾	41,28	1104 29 11 9000	28,20
1102 90 10 9100	60,36	1104 29 51 9000	27,65
1102 90 10 9900	41,04	1104 29 55 9000	27,65
1102 90 30 9100	42,98	1104 30 10 9000	6,91
1103 12 00 9100	42,98	1104 30 90 9000	8,60
1103 13 10 9100 ⁽¹⁾	61,92	1107 10 11 9000	49,22
1103 13 10 9300 ⁽¹⁾	48,16	1107 10 91 9000	71,63
1103 13 10 9500 ⁽¹⁾	41,28	1108 11 00 9200	55,30
1103 13 90 9100 ⁽¹⁾	41,28	1108 11 00 9300	55,30
1103 19 10 9000	31,40	1108 12 00 9200	55,04
1103 19 30 9100	62,37	1108 12 00 9300	55,04
1103 21 00 9000	28,20	1108 13 00 9200	55,04
1103 29 20 9000	41,04	1108 13 00 9300	55,04
1104 11 90 9100	60,36	1108 19 10 9200	41,04
1104 12 90 9100	47,76	1108 19 10 9300	41,04
1104 12 90 9300	38,21	1109 00 00 9100	0,00
1104 19 10 9000	28,20	1702 30 51 9000 ⁽²⁾	68,37
1104 19 50 9110	55,04	1702 30 59 9000 ⁽²⁾	52,34
1104 19 50 9130	44,72	1702 30 91 9000	68,37
1104 21 10 9100	60,36	1702 30 99 9000	52,34
1104 21 30 9100	60,36	1702 40 90 9000	52,34
1104 21 50 9100	80,48	1702 90 50 9100	68,37
1104 21 50 9300	64,38	1702 90 50 9900	52,34
1104 22 20 9100	38,21	1702 90 75 9000	71,64
1104 22 30 9100	40,60	1702 90 79 9000	49,72
		2106 90 55 9000	52,34

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1539/98

of 16 July 1998

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of

the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 July 1998.

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

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 16 July 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	34,40
Cereal products ⁽²⁾ excluding maize and maize products	33,95

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COUNCIL DIRECTIVE 98/50/EC**of 29 June 1998****amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

(1) Whereas the Community Charter of the fundamental social rights of workers adopted on 9 December 1989 ('Social Charter') states, in points 7, 17 and 18 in particular that: 'The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community. The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies. Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in the various Member States. Such information, consultation and participation must be implemented in due time, particularly in connection with restructuring operations in undertakings or in cases of mergers having an impact on the employment of workers';

(2) Whereas Directive 77/187/EEC ⁽⁵⁾ promotes the harmonisation of the relevant national laws ensuring the safeguarding of the rights of employees and requiring transferors and transferees to inform and consult employees' representatives in good time;

(3) Whereas the purpose of this Directive is to amend Directive 77/187/EEC in the light of the impact of the internal market, the legislative tendencies of the Member States with regard to the rescue of under-

takings in economic difficulties, the case-law of the Court of Justice of the European Communities. Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies ⁽⁶⁾ and the legislation already in force in most Member States;

(4) Whereas considerations of legal security and transparency require that the legal concept of transfer be clarified in the light of the case-law of the Court of Justice; whereas such clarification does not alter the scope of Directive 77/187/EEC as interpreted by the Court of Justice;

(5) Whereas those considerations also require an express provision, in the light of the case-law of the Court of Justice, that Directive 77/187/EEC should apply to private and public undertakings carrying out economic activities, whether or not they operate for gain;

(6) Whereas it is necessary to clarify the concept of 'employee' in the light of the case-law of the Court of Justice;

(7) Whereas, with a view to ensuring the survival of insolvent undertakings, Member States should be expressly allowed not to apply Articles 3 and 4 of Directive 77/187/EEC to transfers effected in the framework of liquidation proceedings, and certain derogations from that Directive's general provisions should be permitted in the case of transfers effected in the context of insolvency proceedings;

(8) Whereas such derogations should also be allowed for one Member State which has special procedures to promote the survival of companies declared to be in a state of economic crisis;

(9) Whereas the circumstances in which the function and status of employee representatives are to be preserved should be clarified;

(10) Whereas, in order to ensure equal treatment for similar situations, it is necessary to ensure that the information and consultation requirements laid

⁽¹⁾ OJ C 274, 1. 10. 1994, p. 10.

⁽²⁾ OJ C 33, 3. 2. 1997, p. 81.

⁽³⁾ OJ C 133, 31. 5. 1995, p. 13.

⁽⁴⁾ OJ C 100, 2. 4. 1996, p. 25.

⁽⁵⁾ OJ L 61, 5. 3. 1977, p. 26.

⁽⁶⁾ OJ L 48, 22. 2. 1975, p. 29. Directive as amended by Directive 92/56/EEC (OJ L 245, 26. 8. 1992, p. 3).

down in Directive 77/187/EEC are complied with irrespective of whether the decision leading to the transfer is taken by the employer or by an undertaking controlling the employer;

- (11) Whereas it is appropriate to clarify that, when Member States adopt measures to ensure that the transferee is informed of all the rights and obligations to be transferred, failure to provide that information is not to affect the transfer of the rights and obligations concerned;
- (12) Whereas it is necessary to clarify the circumstances in which employees must be informed where there are no employee representatives;
- (13) Whereas the Social Charter recognises the importance of the fight against all forms of discrimination, especially based on sex, colour, race, opinion and creed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/187/EEC is hereby amended as follows:

- 1. the title shall be replaced by the following:

‘Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees’ rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses’;

- 2. Articles 1 to 7 shall be replaced by the following:

‘SECTION I

Scope and definitions

Article 1

- 1. (a) This Directive shall apply to any transfer of an undertaking, business, or part of an undertaking or business to another employer as a result of a legal transfer or merger.
- (b) Subject to subparagraph (a) and the following provisions of this Article, there is a transfer within the meaning of this Directive where there is a transfer of an economic entity which retains its identity, meaning an organised grouping of resources which has the objective of pursuing an economic activity, whether or not that activity is central or ancillary.
- (c) This Directive shall apply to public and private undertakings engaged in economic activities whether or not they are operating for gain. An administrative reorganisation of public adminis-

trative authorities, or the transfer of administrative functions between public administrative authorities, is not a transfer within the meaning of this Directive.

- 2. This Directive shall apply where and insofar as the undertaking, business or part of the undertaking or business to be transferred is situated within the territorial scope of the Treaty.

- 3. This Directive shall not apply to sea-going vessels.

Article 2

- 1. For the purposes of this Directive:

- (a) ‘transferor’ shall mean any natural or legal person who, by reason of a transfer within the meaning of Article 1(1), ceases to be the employer in respect of the undertaking, business or part of the undertaking or business;
- (b) ‘transferee’ shall mean any natural or legal person who, by reason of a transfer within the meaning of Article 1(1), becomes the employer in respect of the undertaking, business or part of the undertaking or business;
- (c) ‘representatives of employees’ and related expressions shall mean the representatives of the employees provided for by the laws or practices of the Member States;
- (d) ‘employee’ shall mean any person who, in the Member State concerned, is protected as an employee under national employment law.

- 2. This Directive shall be without prejudice to national law as regards the definition of contract of employment or employment relationship.

However, Member States shall not exclude from the scope of this Directive contracts of employment or employment relationships solely because:

- (a) of the number of working hours performed or to be performed,
- (b) they are employment relationships governed by a fixed-duration contract of employment within the meaning of Article 1(1) of Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (*), or
- (c) they are temporary employment relationships within the meaning of Article 1(2) of Directive 91/383/EEC, and the undertaking, business or part of the undertaking or business transferred is, or is part of, the temporary employment business which is the employer.

SECTION II

Safeguarding of employees' rights*Article 3*

1. The transferor's rights and obligations arising from a contract of employment or from an employment relationship existing on the date of a transfer shall, by reason of such transfer, be transferred to the transferee.

Member States may provide that, after the date of transfer, the transferor and the transferee shall be jointly and severally liable in respect of obligations which arose before the date of transfer from a contract of employment or an employment relationship existing on the date of the transfer.

2. Member States may adopt appropriate measures to ensure that the transferor notifies the transferee of all the rights and obligations which will be transferred to the transferee under this Article, so far as those rights and obligations are or ought to have been known to the transferor at the time of the transfer. A failure by the transferor to notify the transferee of any such right or obligation shall not affect the transfer of that right or obligation and the rights of any employees against the transferee and/or transferor in respect of that right or obligation.

3. Following the transfer, the transferee shall continue to observe the terms and conditions agreed in any collective agreement on the same terms applicable to the transferor under that agreement, until the date of termination or expiry of the collective agreement or the entry into force or application of another collective agreement.

Member States may limit the period for observing such terms and conditions with the proviso that it shall not be less than one year.

4. (a) Unless Member States provide otherwise, paragraphs 1 and 3 shall not apply in relation to employees' rights to old-age, invalidity or survivors' benefits under supplementary company or inter-company pension schemes outside the statutory social security schemes in Member States.

(b) Even where they do not provide in accordance with subparagraph (a) that paragraphs 1 and 3 apply in relation to such rights, Member States shall adopt the measures necessary to protect the interests of employees and of persons no longer employed in the transferor's business at the time of the transfer in respect of rights conferring on them immediate or prospective entitlement to old age benefits, including survivors' benefits, under supplementary schemes referred to in subparagraph (a).

Article 4

1. The transfer of the undertaking, business or part of the undertaking or business shall not in itself constitute grounds for dismissal by the transferor or the transferee. This provision shall not stand in the way of dismissals that may take place for economic, technical or organisational reasons entailing changes in the workforce.

Member States may provide that the first subparagraph shall not apply to certain specific categories of employees who are not covered by the laws or practice of the Member States in respect of protection against dismissal.

2. If the contract of employment or the employment relationship is terminated because the transfer involves a substantial change in working conditions to the detriment of the employee, the employer shall be regarded as having been responsible for termination of the contract of employment or of the employment relationship.

Article 4a

1. Unless Member States provide otherwise, Articles 3 and 4 shall not apply to any transfer of an undertaking, business or part of an undertaking or business where the transferor is the subject of bankruptcy proceedings or any analogous insolvency proceedings which have been instituted with a view to the liquidation of the assets of the transferor and are under the supervision of a competent public authority (which may be an insolvency practitioner authorised by a competent public authority).

2. Where Articles 3 and 4 apply to a transfer during insolvency proceedings which have been opened in relation to a transferor (whether or not those proceedings have been instituted with a view to the liquidation of the assets of the transferor) and provided that such proceedings are under the supervision of a competent public authority (which may be an insolvency practitioner determined by national law) a Member State may provide that:

(a) notwithstanding Article 3(1), the transferor's debts arising from any contracts of employment or employment relationships and payable before the transfer or before the opening of the insolvency proceedings shall not be transferred to the transferee, provided that such proceedings give rise, under the law of that Member State, to protection at least equivalent to that provided for in situations covered by Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer ("");

and, or alternatively, that

(b) the transferee, transferor, or person or persons exercising the transferor's functions, on the one hand, and the representatives of the employees on the other hand may agree alterations, insofar as current law or practice permits, to the employees' terms and conditions of employment designed to safeguard employment opportunities by ensuring the survival of the undertaking, business or part of the undertaking or business.

3. A Member State may apply paragraph 2(b) to any transfers where the transferor is in a situation of serious economic crisis, as defined by national law, provided that the situation is declared by a competent public authority and open to judicial supervision, on condition that such provisions already exist in national law by 17 July 1998.

The Commission shall present a report on the effects of this provision before 17 July 2003 and shall submit any appropriate proposals to the Council.

4. Member States shall take appropriate measures with a view to preventing misuse of insolvency proceedings in such a way as to deprive employees of the rights provided for in this Directive.

Article 5

1. If the undertaking, business or part of an undertaking or business preserves its autonomy, the status and function of the representatives or of the representation of the employees affected by the transfer shall be preserved on the same terms and subject to the same conditions as existed before the date of the transfer by virtue of law, regulation, administrative provision or agreement, provided that the conditions necessary for the constitution of the employees' representation are fulfilled.

The first subparagraph shall not apply if, under the laws, regulations, administrative provisions or practice in the Member States, or by agreement with the representatives of the employees, the conditions necessary for the reappointment of the representatives of the employees or for the reconstitution of the representation of the employees are fulfilled.

Where the transferor is the subject of bankruptcy proceedings or any analogous insolvency proceedings which have been instituted with a view to the liquidation of the assets of the transferor and are under the supervision of a competent public authority (which may be an insolvency practitioner authorised by a competent public authority), Member States may take the necessary measures to ensure that the transferred employees are properly represented until the new election or designation of representatives of the employees.

If the undertaking, business or part of an undertaking or business does not preserve its autonomy, the Member States shall take the necessary measures to ensure that the employees transferred who were represented before the transfer continue to be properly represented during the period necessary for the reconstitution or reappointment of the representation of employees in accordance with national law or practice.

2. If the term of office of the representatives of the employees affected by the transfer expires as a result of the transfer, the representatives shall continue to enjoy the protection provided by the laws, regulations, administrative provisions or practice of the Member States.

SECTION III

Information and consultation

Article 6

1. The transferor and transferee shall be required to inform the representatives of their respective employees affected by the transfer of the following:

- the date or proposed date of the transfer,
- the reasons for the transfer,
- the legal, economic and social implications of the transfer for the employees,
- any measures envisaged in relation to the employees.

The transferor must give such information to the representatives of his employees in good time before the transfer is carried out.

The transferee must give such information to the representatives of his employees in good time, and in any event before his employees are directly affected by the transfer as regards their conditions of work and employment.

2. Where the transferor or the transferee envisages measures in relation to his employees, he shall consult the representatives of his employees in good time on such measures with a view to reaching an agreement.

3. Member States whose laws, regulations or administrative provisions provide that representatives of the employees may have recourse to an arbitration board to obtain a decision on the measures to be taken in relation to employees may limit the obligations laid down in paragraphs 1 and 2 to cases where the transfer carried out gives rise to a change in the business likely to entail serious disadvantages for a considerable number of the employees.

The information and consultations shall cover at least the measures envisaged in relation to the employees.

The information must be provided and consultations taken place in good time before the change in the business as referred to in the first subparagraph is effected.

4. The obligations laid down in this Article shall apply irrespective of whether the decision resulting in the transfer is taken by the employer or an undertaking controlling the employer.

In considering alleged breaches of the information and consultation requirements laid down by this Directive, the argument that such a breach occurred because the information was not provided by an undertaking controlling the employer shall not be accepted as an excuse.

5. Member States may limit the obligations laid down in paragraphs 1, 2 and 3 to undertakings or businesses which, in terms of the number of employees, meet the conditions for the election or nomination of a collegiate body representing the employees.

6. Member States shall provide that, where there are no representatives of the employees in an undertaking or business through no fault of their own, the employees concerned must be informed in advance of:

- the date or proposed date of the transfer,
- the reason for the transfer,
- the legal, economic and social implications of the transfer for the employees,
- any measures envisaged in relation to the employees.

SECTION IV

Final provisions

Article 7

This Directive shall not affect the right of Member States to apply or introduce laws, regulations or administrative provisions which are more favourable to employees or to promote or permit collective agreements or agreements between social partners more favourable to employees.

Article 7a

Member States shall introduce into their national legal systems such measures as are necessary to enable all employees and representatives of employees who consider themselves wronged by failure to comply

with the obligations arising from this Directive to pursue their claims by judicial process after possible recourse to other competent authorities.

Article 7b

The Commission shall submit to the Council an analysis of the effects of the provisions of this Directive before 17 July 2006. It shall propose any amendment which may seem necessary.

(*) OJ L 206, 29. 7. 1991, p. 19.

(**) OJ L 283, 20. 10. 1980, p. 23. Directive as amended by Directive 87/164/EEC (OJ L 66, 11. 3. 1987, p. 11).'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 July 2001 at the latest or shall ensure that, by that date, at the latest, the employers' and employees' representatives have introduced the required provisions by means of agreement, Member States being obliged to take the necessary steps enabling them at all times to guarantee the results imposed by this Directive.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Member States shall inform the Commission immediately of the measures they take to implement this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

COMMISSION DIRECTIVE 98/53/EC

of 16 July 1998

laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption⁽¹⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EC) No 1525/98 of 16 July 1998, amending Commission Regulation (EC) No 194/97 setting maximum levels for certain contaminants in foodstuffs⁽²⁾ fixes maximum limits for aflatoxins in certain foodstuffs;

Whereas Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs⁽³⁾ introduces a system of quality standards for laboratories entrusted by the Member States with the official control of foodstuffs;

Whereas sampling plays a crucial part in the precision of the determination of the levels of the aflatoxins which are very heterogeneously distributed in a lot;

Whereas it seems necessary to fix general criteria which the method of analysis has to comply with in order to ensure that laboratories, in charge of the control, use methods of analysis with comparable levels of performance;

Whereas the provisions for the sampling and methods of analysis have been drawn up on the basis of present knowledge and they may be adapted to take account of advances in scientific and technological knowledge;

Whereas the methods of sampling used currently by the competent authorities largely differ in the Member States; whereas the competent authorities in certain Member States are not in a position to apply all the provisions of this Directive in a short time; whereas it is, therefore,

necessary to provide a suitable period to apply these provisions;

Whereas Member States will have to modify their methods of sampling gradually in order to comply with the provisions laid down in the Annexes to this Directive by the time the Directive has to be applied; whereas it is, therefore, appropriate to examine regularly with the Member States the application of these provisions;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall take all measures necessary to ensure that the sampling for the official control of the levels of aflatoxins in foodstuffs is carried out in accordance with the methods described in Annex I of this Directive.

Article 2

The Member States shall take all measures necessary to ensure that sample preparation and methods of analyses used for the official control of the levels of aflatoxins in foodstuffs comply with the criteria described in Annex II of this Directive.

Article 3

The Member States shall, not later than 31 December 2000, bring into force the laws, regulations or administrative provisions necessary to comply with the provisions of this Directive. They shall forthwith notify the Commission thereof.

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

⁽¹⁾ OJ L 372, 31. 12. 1985, p. 50.

⁽²⁾ See page 43 of this Official Journal.

⁽³⁾ OJ L 290, 24. 11. 1993, p. 14.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

This Directive is addressed to the Member States.

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Methods of sampling for official checking control of the levels of aflatoxins in certain foodstuffs**1. Purpose and scope**

Samples intended for official checking of the levels of aflatoxin content in foodstuffs shall be taken according to the methods described below. Aggregate samples thus obtained shall be considered as representative of the lots. Compliance with maximum limits laid down in Commission Regulation (EC) No 1525/98 shall be established on the basis of the levels determined in the laboratory samples.

2. Definitions

Lot: an identifiable quantity of a food commodity delivered at one time and determined by the official to have common characteristics, such as origin, variety, type of packing, packer, consignor or markings.

Sublot: designated part of a large lot in order to apply the sampling method on that designated part. Each sublot must be physically separate and identifiable.

Incremental sample: a quantity of material taken from a single place in the lot or sublot.

Aggregate sample: the combined total of all the incremental samples taken from the lot or sublot.

Laboratory sample: sample intended for the laboratory (= subsample).

3. General provisions**3.1. Personnel**

Sampling shall be performed by an authorised person as specified by the Member States.

3.2. Material to be sampled

Each lot which is to be examined must be sampled separately. In accordance with the specific provisions in point 5 of this Annex, large lots should be subdivided into sublots to be sampled separately.

3.3. Precautions to be taken

In the course of sampling and preparation of the laboratory samples precautions must be taken to avoid any changes which would affect the aflatoxin content, adversely affect the analytical determination or make the aggregate samples unrepresentative.

3.4. Incremental samples

As far as possible incremental samples should be taken at various places distributed throughout the lot or sublot. Departure from this procedure must be recorded in the record provided for in 3.8.

3.5. Preparation of the aggregate sample and the laboratory samples (subsamples)

The aggregate sample is made up by uniting and sufficiently mixing the incremental samples. After mixing, the aggregate sample must be divided into equal subsamples in accordance with the specific provisions of point 5 of this Annex.

The mixing is necessary to ensure that each subsample contains portions of the whole lot or sublot.

3.6. Replicate samples

The replicate samples for enforcement, trade (defence) and referee purposes are to be taken from the homogenised laboratory sample, unless this conflicts with Member States' rules on sampling.

3.7. *Packaging and transmission of laboratory samples*

Each laboratory sample shall be placed in a clean, inert container offering adequate protection from contamination and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the laboratory sample which might arise during transportation or storage.

3.8. *Sealing and labelling of laboratory samples*

Each sample taken for official use shall be sealed at the place of sampling and identified following the Member State's regulations. A record must be kept of each sampling, permitting each lot to be identified unambiguously and giving the date and place of sampling together with any additional information likely to be of assistance to the analyst.

4. **Explanatory provisions**

4.1. *Different types of lots*

Food commodities may be traded in bulk, containers, or individual packings (sacks, bags, retail packings, etc.). The sampling procedure can be applied to all the different forms in which the commodities are put on the market.

Without prejudice to the specific provisions as laid down in point 5 of this Annex, the following formula can be used as a guide for the sampling of lots traded in individual packings (sacks, bags, retail packings, etc.):

$$\text{Sampling frequency (SF)} = \frac{\text{Weight of the lot} \times \text{weight of the incremental sample}}{\text{Weight of the aggregate sample} \times \text{weight of individual packing}}$$

— Weight: in kg

Sampling frequency (SF): every nth sack or bag from which an incremental sample must be taken (decimal figures should be rounded to the nearest whole number).

4.2. *Weight of the incremental sample*

The weight of the incremental sample should be about 300 grams, unless otherwise defined in point 5 of this Annex. In the case of lots in retail packings, the weight of the incremental sample depends on the weight of the retail packing.

4.3. *Number of incremental samples for lots of less than 15 tonnes*

The number of incremental samples to be taken depends on the weight of the lot, with a minimum of 10 and a maximum of 100, unless otherwise defined in point 5 of this Annex. The figures in the following table may be used to determine the number of incremental samples to be taken.

Table 1: *Number of incremental samples to be taken depending on the weight of the lot*

Lot weight (tonnes)	No of incremental samples
≤ 0,1	10
> 0,1 - ≤ 0,2	15
> 0,2 - ≤ 0,5	20
> 0,5 - ≤ 1,0	30
> 1,0 - ≤ 2,0	40
> 2,0 - ≤ 5,0	60
> 5,0 - ≤ 10,0	80
> 10,0 - ≤ 15,0	100

5. **Specific provisions**

5.1. *General survey of the sampling procedure for groundnuts, nuts, dried fruit and cereals*

Table 2: *Subdivision of lots into sublots depending on product and lot weight*

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample Weight (kg)
Dried figs and other dried fruit	≥ 15	15-30 tonnes	100	30
	< 15	—	10-100 (*)	≤ 30
Groundnuts, pistachios, Brazil nuts and other nuts	≥ 500	100 tonnes	100	30
	> 125 and < 500	5 sublots	100	30
	≥ 15 and ≤ 125	25 tonnes	100	30
	< 15	—	10-100 (*)	≤ 30
Cereals	$\geq 1\,500$	500 tonnes	100	30
	> 300 and $< 1\,500$	3 sublots	100	30
	≥ 50 and ≤ 300	100 tonnes	100	30
	< 50	—	10-100 (*)	1-10

(*) Depending on the lot weight — see point 4.3 or 5.3 of this Annex.

5.2. *Groundnuts, pistachios and Brazil nuts*

Dried figs

Cereals (lots ≥ 50 tonnes)

5.2.1. Sampling procedure

- On condition that the subplot can be separated physically, each lot must be subdivided into sublots following Table 2 at point 5.1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may exceed the mentioned weight by a maximum of 20 %,
- each subplot must be sampled separately,
- number of incremental samples: 100. In the case of lots under 15 tonnes, the number of incremental samples to be taken depends on the weight of the lot, with a minimum of 10 and a maximum of 100 (see point 4.3),
- weight of the aggregate sample = 30 kg which has to be mixed and to be divided into three equal subsamples of 10 kg before grinding (this division into three subsamples is not necessary in the case of groundnuts, nuts and dried fruit intended for further sorting or other physical treatment, however, this will depend upon the availability of equipment which is able to homogenise a 30 kg sample). In cases where the aggregate sample weights are under 10 kg, the aggregate sample must not be divided into three subsamples,
- laboratory sample: a subsample of 10 kg (each subsample must be separately ground finely and mixed thoroughly to achieve complete homogenisation, in accordance with the provisions laid down in Annex II),
- if it is not possible to carry out the method of sampling described above because of the commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

5.2.2. Acceptance of a lot or subplot

- For groundnuts, nuts and dried fruit subjected to a sorting or other physical treatment:
 - acceptance if the aggregate sample or the average of the subsamples conforms to the maximum limit,
 - rejection if the aggregate sample or the average of the subsamples exceeds the maximum limit,
- for groundnuts, nuts, dried fruit and cereals intended for direct human consumption:
 - acceptance if none of the subsamples exceeds the maximum limit,

- rejection if one or more of the subsamples exceeds the maximum limit,
- where the aggregate sample is under 10 kg:
 - acceptance if the aggregate sample conforms to the maximum limit,
 - rejection if the aggregate sample exceeds the maximum limit.

5.3. *Nuts other than groundnuts, pistachios and Brazil nuts*

Dried fruit other than figs

Cereals (lots under 50 tonnes)

5.3.1. Sampling procedure

For these products, the sampling procedure laid down in point 5.2.1 may be applied. However, taking into account the low incidence of contamination for these products and/or the newer forms of packaging in which products can be traded, simpler sampling methods may be applied.

For cereal lots under 50 tonnes, a sampling plan consisting of, depending on the lot weight, 10 to 100 incremental samples each of 100 grams, resulting in an aggregate sample of 1 to 10 kg may be used. The figures in the following table can be used to determine the number of incremental samples to be taken.

Table 3: *Number of incremental samples to be taken depending on the weight of the lot of cereals*

Lot weight (tonnes)	Number of incremental samples
≤ 1	10
> 1 - ≤ 3	20
> 3 - ≤ 10	40
> 10 - ≤ 20	60
> 20 - ≤ 50	100

5.3.2. Acceptance of a lot or subplot

See point 5.2.2.

5.4. *Milk*

5.4.1. Sampling procedure

Sampling in accordance with Commission Decision 91/180/EEC of 14 February 1991 laying down certain methods of analysis and testing of raw milk and heat-treated milk ⁽¹⁾:

- number of incremental samples: minimum 5,
- weight of aggregate sample: minimum 0,5 kg or litres.

5.4.2. Acceptance of a lot or subplot

- Acceptance if the aggregate sample conforms to the maximum limit,
- rejection if the aggregate sample exceeds the maximum limit.

5.5. *Derived products and compound foods*

5.5.1. Milk products

5.5.1.1. Sampling procedure

Sampling in accordance with Commission Directive 87/524/EEC of 6 October 1987 laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products ⁽²⁾.

Number of incremental samples: minimum 5.

For the other milk products an equivalent method of sampling is used.

⁽¹⁾ OJ L 93, 13. 4. 1991, p. 1.

⁽²⁾ OJ L 306, 28. 10. 1987, p. 24.

- 5.5.1.2. Acceptance of a lot or subplot
- Acceptance if the aggregate sample conforms to the maximum limit,
 - rejection if the aggregate sample exceeds the maximum limit.
- 5.5.2. Other derived products with very small particle weight, i.e. flour, fig paste, peanut butter (homogeneous distribution of aflatoxin contamination)
- 5.5.2.1. Sampling procedure
- Number of incremental samples: 100. For lots of under 50 tonnes the number of incremental samples should be 10 to 100, depending on the lot weight (see Table 3 at point 5.3.1 of this Annex),
 - the weight of the incremental sample should be about 100 grams. In the case of lots in retail packing, the weight of the incremental sample depends on the weight of the retail packing,
 - weight of aggregate sample = 1-10 kg sufficiently mixed.
- 5.5.2.2. Number of samples to be taken
- The number of aggregate samples to be taken depends on the lot weight. The division of large lots into sublots must be done as defined for cereals under point 5.2,
 - each subplot must be sampled separately.
- 5.5.2.3 Acceptance of a lot or subplot
- Acceptance if the aggregate sample conforms to the maximum limit,
 - rejection if the aggregate sample exceeds the maximum limit.
- 5.6. *Other derived products with a relatively large particle size (heterogeneous distribution of aflatoxin contamination)*
- Sampling procedure and acceptance as defined at points 5.2 and 5.3 of this Annex for the raw agricultural product.
-

ANNEX II

Sample preparation and criteria for methods of analysis used in official checking of the levels of aflatoxins in certain foodstuffs**1. Introduction****1.1. Precautions**

Daylight should be excluded as much as possible during the procedure, since aflatoxin gradually breaks down under the influence of ultra-violet light. As the distribution of aflatoxin is extremely non-homogeneous, samples should be prepared — and especially homogenised — with extreme care.

All the material received by the laboratory is to be used for the preparation of test material.

1.2. Calculation of proportion of shell/kernel of whole nuts

The limits fixed for aflatoxins in Commission Regulation (EC) No 1525/98 apply to the edible part.

The level of aflatoxins in the edible part can be determined by:

- shelling samples of nuts 'in shell' and the level of aflatoxins is directly determined in the edible part,
- homogenise the nuts 'in shell' by taking them through the sample preparation procedure. The sampling and analytical procedure must estimate the weight of nut kernel in the aggregate sample. The weight of nut kernel in the aggregate sample is estimated after establishing a suitable factor for the proportion of nut shell to nut kernel in whole nuts. This proportion is used to ascertain the amount of kernel in the bulk sample taken through the sample preparation and analysis procedure. Approximately 100 whole nuts are taken at random separately from the lot or are to be put aside from each aggregate sample. The ratio may, for each laboratory sample, be obtained by weighing the whole nuts, shelling and re-weighing the shell and kernel portions. However, the proportion of shell to kernel may be established by the laboratory from a number of samples and so can be assumed for future analytical work. But if a particular laboratory sample is found to be in contravention of any limit, the proportion should be determined for that sample using the approximately 100 nuts that have been set aside.

2. Treatment of the sample as received in the laboratory

Finely grind and mix thoroughly each laboratory sample using a process that has been demonstrated to achieve complete homogenisation.

3. Subdivision of samples for enforcement and defence purposes

The replicate samples for enforcement, trade (defence) and referee purposes shall be taken from the homogenised material unless this conflicts with Member States' rules on sampling.

4. Method of analysis to be used by the laboratory and laboratory control requirements**4.1. Definitions**

A number of the most commonly used definitions that the laboratory will be required to use are given below:

The most commonly quoted precision parameters are repeatability and reproducibility.

r = repeatability, the value below which the absolute difference between two single test results obtained under repeatability conditions (i. e. same sample, same operator, same apparatus, same laboratory, and short interval of time) may be expected to lie within a specific probability (typically 95 %) and hence $r = 2,8 \times s_r$

s_r = Standard deviation, calculated from results generated under repeatability conditions

RSD_r = relative standard deviation, calculated from results generated under repeatability conditions $[(S_r/x) \times 100]$, where x is the average of results over all laboratories and samples

R = reproducibility, the value below which the absolute difference between single test results obtained under reproducibility conditions (i. e. on identical material obtained by operators in different laboratories, using the standardised test method) may be expected to lie within a certain probability (typically 95 %); $R = 2,8 s_R$

s_R = standard deviation, calculated from results under reproducibility conditions

RSD_R = relative standard deviation calculated from results generated under reproducibility conditions $[(S_R/x) \times 100]$

4.2. General requirements

Methods of analysis used for food control purposes must comply whenever possible with the provisions of points 1 and 2 of the Annex to Council Directive 85/591/EEC.

4.3. Specific requirements

Where no specific methods for the determination of aflatoxin levels in foodstuffs are prescribed at Community level, laboratories may select any method provided the selected method meets the following criteria:

Criterion	Concentration range	Recommended value	Maximum permitted value
Blanks	All	Negligible	
Recovery — Aflatoxin M1	0,01-0,5 µg/L	60 to 120 %	
	> 0,05 µg/L	70 to 110 %	
Recovery — Aflatoxins B ₁ , B ₂ , G ₁ , G ₂	< 1,0 µg/L	50 to 120 %	
	1-10 µg/L	70 to 110 %	
	> 10 µg/L	80 to 110 %	
Precision RSD _R	All	As derived from Horwitz equation	2 × value derived from Horwitz equation

Precision RSD_r may be calculated as 0,66 times precision RSD_R at the concentration of interest.

Notes:

- Values to apply to both B₁ and sum of B₁ + B₂ + G₁ + G₂,
- if sum of individual aflatoxins B₁ + B₂ + G₁ + G₂ are to be reported, then response of each to the analytical system must be either known or equivalent,
- the detection limits of the methods used are not stated as the precision values are given at the concentrations of interest,
- the precision values are calculated from the Horwitz equation, i. e.:

$$RSD_R = 2^{(1-0,5 \log C)}$$

where:

- RSD_R is the relative standard deviation calculated from results generated under reproducibility conditions $[(S_R/x) \times 100]$
- C is the concentration ratio (i. e. 1 = 100 g/100 g, 0,001 = 1 000 mg/kg).

This is a generalised precision equation which has been found to be independant of analyte and matrix but solely dependent on concentration for most routine methods of analysis.

4.4. Recovery calculation

The analytical result is to be reported corrected or uncorrected for recovery. The manner of reporting and the level of recovery must be reported.

4.5. Laboratory quality standards

Laboratories must comply with Council Directive 93/99/EEC.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 December 1997

relating to a proceeding pursuant to Council Regulation (EEC) No 4064/89

(Case No IV/M.942 — VEBA/Degussa)

(notified under document number C(1997) 3833)

(Only the German text is authentic)

(Text with EEA relevance)

(98/455/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ('the Merger Regulation')⁽¹⁾, and in particular Article 8(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 57 thereof,

Having regard to the Commission Decision of 2 September 1997 initiating proceedings,

Having regard to the opinion of the Advisory Committee on Concentrations⁽²⁾,

Whereas:

(1) On 2 July 1997 the Commission received notification pursuant to Article 4 of the Merger Regulation of a planned transaction by which Veba AG ('Veba') was to acquire control of Degussa AG ('Degussa'). The notification failed to mention the

fact that the Veba subsidiary Hüls was doing business through a joint venture on one of the relevant markets, the market in fumed silica; and on 28 July 1997 the notification was declared incomplete. The notification was supplemented on 31 July 1997.

(2) By Decision of 22 July 1997 the Commission, pursuant to Article 7(2) and Article 18(2) of the Merger Regulation, ordered the suspension of the notified merger until such time as it had taken a final decision.

(3) By Decision of 2 September 1997 the Commission initiated proceedings under Article 6(1)(c) of the Merger Regulation.

I. THE PARTIES

(4) Veba operates mainly in the following businesses: electricity, chemicals, oil, distribution, transport and services, and telecommunications. Its chemicals interests are handled by its subsidiary Hüls and by Hüls subsidiaries Röhm and Servo.

(5) Degussa operates in chemicals, health and nutrition, precious metals, and banking.

⁽¹⁾ OJ L 395, 30. 12. 1989, p. 1 (corrigendum: OJ L 257, 21. 9. 1990, p. 13).

⁽²⁾ OJ C 224, 17. 7. 1998.

II. THE OPERATION

- (6) Veba proposes to acquire all the shares in GFC Gesellschaft für Chemiewerte mbH ('GFC'). GFC owns 33 520 000 Degussa shares. Degussa has an equity capital of DEM 460 297 500. This is divided into 92 059 500 shares, which all have equal voting rights. Thus GFC holds 36,41 % of the equity in Degussa.

III. THE CONCENTRATION

- (7) The plan notified constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation, since Veba proposes to acquire sole control of Degussa.
- (8) In the last five years attendance at the general meeting of shareholders in Degussa has been below 68 % (1993: 67,38 %; 1994: 63,49 %; 1995: 67,95 %; 1996: 66,78 %; and 1997: 67,84 %). Possession of 36,41 % of the shares has consequently meant an assured majority at general meetings, and GFC has exercised control over Degussa. By taking over GFC, therefore, Veba will acquire a controlling interest in Degussa.
- (9) A simple majority of the votes cast at the general meeting will enable Veba to appoint the shareholders' members of Degussa's supervisory board. The supervisory board can appoint or dismiss the members of the board of management by simple majority. This ensures that the holder of a simple majority at the general meeting can control the conduct of Degussa's business.
- (10) As a result of the concentration, Veba will become by far the biggest shareholder in Degussa; the next-largest shareholder has a stake of only 6,8 %, and the other shares are widely dispersed. Veba will be the only large industrial shareholder with a knowledge of the markets and industries involved. The 6,8 % shareholder is an American family with no comparable market knowledge. The many other very small shareholders are in no position individually to exercise any decisive influence over the conduct of Degussa's business, and have not in the past made any effort to do so jointly.
- (11) Given the assured majority at general meetings and in the light of the other circumstances it may be assumed that Veba will acquire *de facto* control of Degussa.

IV. COMMUNITY DIMENSION

- (12) Veba and Degussa have a combined aggregate worldwide turnover of over ECU 5 billion (Veba: ECU 39,04 billion; Degussa: ECU 7,22 billion). Each of them has an aggregate Community-wide turnover of over ECU 250 million (Veba: ECU 32,15 billion; Degussa: ECU 3,59 billion). Degussa does not achieve more than two-thirds of its aggregate Community-wide turnover in any one Member State. The concentration consequently has a Community dimension.

V. ASSESSMENT PURSUANT TO ARTICLE 2 OF THE MERGER REGULATION

- (13) The business activities of Veba and Degussa overlap partially in the area of chemical products. A more detailed appraisal of the effects of the operation needs to be made in the area of methyl methacrylate, methacrylic acid, transparent plastics, acrylate-based PVC process additives, organosilanes, silicon tetrachloride, fumed silica, diamines/polyamines and reagents for the production of cationic starch. In all other areas and also in other business activities there is no overlap, so that in the absence of other indications the operation will not lead to the strengthening of the existing market positions.

A. The relevant product markets

1. *Methyl methacrylate*

- (14) Methyl methacrylate (MMA) is a monomer which is the base for a major proportion of the other products of methacrylic chemistry. It is usually obtained by the ACH process from hydrocyanic acid, methanol and acetone. MMA is a liquid that has no direct use as an end product. As a rule it is processed further, being polymerised for example into polymethyl methacrylate (PMMA), a transparent plastic. According to information supplied by customers and producers, MMA cannot be replaced by other products. Accordingly, the Commission comes to the conclusion that MMA constitutes a separate product market.

2. *Methacrylic acid*

- (15) Methacrylic acid is likewise a basic monomer, and is closely related to MMA. It, too, is usually made by the ACH process, from the same raw materials but without the addition of methanol. Like MMA, methacrylic acid cannot be used as an end product, but is processed into other methacrylic products. One important use of methacrylic acid is in paint and varnish resins and dispersions, which in turn

are processed into paints and different kinds of varnish. Methacrylic acid and MMA confer different properties on the products into which they are processed, and are not interchangeable from the user's point of view. This is confirmed by the parties and by competitors and customers. Accordingly, the Commission comes to the conclusion that methacrylic acid is a separate product market.

3. *Transparent plastics*

- (16) Transparent plastics are mouldable transparent chemical products, which resemble glass in being transparent, but which are lighter, easier to work and as a rule less fragile than glass. Transparent plastics are used in a wide variety of applications, for example lamp coverings, motorway noise barriers, CD cases and other packaging.
- (17) The main transparent plastics are polymethyl methacrylate or acrylic glass (PMMA), polycarbonate (PC), styrene-acrylonitrile copolymers (SANS), and polystyrene (PS). These plastics differ in properties and price. PMMA, for example, is especially weatherproof and highly transparent, while polycarbonate has high impact and heat resistance. Polystyrene is less transparent than PMMA and polycarbonate, but it is also cheaper. PMMA is produced by polymerisation from MMA. The other transparent plastics are also produced by polymerisation, but from other raw materials.
- (18) The parties are of the opinion that all transparent plastics form one product market. They point out that extensive substitution is possible in many applications — either PMMA or polycarbonate can be used in lamps, for example. Any differences in properties can be reduced in the course of the production process or by the use of additives, and this can be offset in the price. In terms of durability, properties and price, they say, there are no essential differences between the various transparent plastics.
- (19) The Commission's enquiries have shown that while substitution is possible in certain uses the extent of substitution varies greatly from one application to another (see the Commission Decision of 28 July 1992 in Case No IV/M.160 Elf Atochem/Rohm & Haas). Competitors and customers have confirmed that transparent plastics are not interchangeable in all applications. This is in particular the result of the different characteristics of different

transparent plastics as described above, which make them specially apt for certain applications and inapt for other applications. But the question whether each transparent plastic constitutes a separate product market can be left open, because even on the assumption that the markets are separate no objections arise in competition law.

- (20) On that assumption, only PMMA would be a relevant market. Veba/Hüls and Degussa do both operate in the polycarbonate field, but their combined share of that market is no more than 15 %. Only Veba is involved in polystyrene, through Hüls, which has a market share of less than 15 %, and neither of the parties is active in the SAN business.
- (21) Transparent plastics are also sold onward, in the form of moulding powder or extruded or cast sheet. Moulding powder is a granulate which is processed and formed by heating and extrusion or by some other process. It is thus an intermediate product in the production of extruded sheet. Cast sheet, on the other hand, is cast direct at the polymerisation stage, without passing through the moulding powder stage.
- (22) The parties are of the opinion that moulding powder and extruded or cast sheet constitute one market. They argue that extrusion or injection moulding do not involve any further substantial chemical change. Nor is there any difference in properties or price, for example, between extruded and cast sheet. They are fully interchangeable.
- (23) According to the Commission's enquiries, sheet is considerably dearer than moulding powder, and the buying publics are different too. But the question whether there is one or several markets can be left open, as the conditions of competition are not fundamentally different for moulding powder and for sheet (see the Commission Decision of 28 July 1992 in Case No IV/M.160 Elf Atochem/Rohm & Haas).

4. *Acrylate-based PVC process additives*

- (24) These are products which make the processing of PVC possible. They take the form of powders; when PVC is being formed they ensure that it passes the extruder feed screw without damage to the equipment, and improve the surface structure of the end product. They are used in the processing of both rigid and plasticised PVC, especially in the

production of film, bottles and sections. The functions of acrylate-based PVC processing additives cannot be performed by other materials, and they constitute one product market.

5. *Organosilanes*

- (25) Organosilanes are essentially used as binders and cross-linking agents in a very wide variety of applications, such as glass cloths, adhesives and sealants, tyres, paints, varnishes and coatings for the preservation of structures. Three separate markets in organosilanes have to be distinguished.
- (26) Organofunctional silanes are used as binders between inorganic materials such as glass, minerals and metals and organic polymers such as thermoplastics, as surfactants for inorganic and organic materials, and as cross-linking agents for polymers. Organofunctional silanes are divided into those for 'rubber' applications, such as tyre repairs, and those for 'non-rubber' applications. Silanes for 'rubber applications' and silanes for 'non-rubber applications' are produced in different installations and according to different procedures. The Commission's enquiries have confirmed that organofunctional silanes for rubber applications cannot be replaced by organofunctional silanes for non-rubber applications. These are therefore separate markets.
- (27) The third group of organosilanes is the alkyl silanes, which are used mainly for the preservation of structures on account of their water-repellent qualities. Alkylsilanes are produced in different installations to organofunctional silanes. Because of their special properties they too form a separate market.

6. *Silicon tetrachloride*

- (28) Silicon tetrachloride is a chemical used as a raw material for the production of fumed silica, fumed silica esters, fibre optic cables, synthetic silica glass and other products. Silicon tetrachloride and trichlorsilane, a raw material for organosilanes, are products of the hydrochlorination of silicon metal.
- (29) The production and sale of silicon tetrachloride is closely linked to the next market stage. According to information supplied by the parties, silicon tetrachloride is produced by downstream firms themselves, or kept for further processing by the producers who carried out the hydrochlorination of silicon metal from which it results. When the silicon tetrachloride is processed into fumed silica, large quantities of hydrochloric acid are obtained, which are then needed for the hydrochlorination of

the initial product, silicon metal, and returned to the producers of silicon tetrachloride. This form of integration results in a closed circuit. Because of the danger it presents, the transport of silicon tetrachloride is possible only to a limited extent.

7. *Fumed silica*

- (30) Fumed silica is produced from silicon tetrachloride together with oxygen and hydrogen. The product is used as an additive in a variety of different products. The main areas of use are elastomers (improvement of the mechanical properties of silicone rubber, for example in sealants), thermosetting materials (improving the properties of unsaturated polyesters, epoxy resins and acrylates), and paints and varnishes. Fumed silica cannot be replaced in its function by other materials, and forms a separate product market.

8. *Diamines/polyamines*

- (31) According to information supplied by the parties, diamines/polyamines are used mainly as hardeners for epoxy resin systems. Epoxy resin systems are used in varnishes, steel and concrete coatings in shipbuilding, civil engineering and building construction, and adhesives. Diamines are produced on the basis of various chemical substances. The parties, who have isophoron available to them, produce isophoron diamines, while other chemical companies produce ethylene or aniline diamines for example.
- (32) According to information supplied by the parties, all diamines/polyamines have the same basic function, which is to act as a cross-linking agent in epoxy resin chains. Evidently the properties of particular diamines may differ somewhat. The parties state that diamines are almost always used in compounds, and that identical properties can be achieved by different diamine compounds. The compounds are made by customers, so that the customers possess wide-ranging know-how, and would certainly be in a position to switch to other diamine compounds rapidly and at no significant cost. In the parties' opinion, therefore, diamines and polyamines form one product market. The Commission's enquiries and information supplied by customers and competitors essentially confirm this assessment.
- (33) According to the Commission's enquiries, isophoron diamines too are a part of the market for diamines and do not constitute a separate product market. Isophoron diamines make up 25 % of the

volume and 30 % of the value of the total market for diamines. Some users have stated that isophoron diamines cannot be substituted at will for all applications. According to those users, the diamines used affect the properties of the end product (epoxy resin systems), so that in existing products isophoron diamines can be replaced only after fresh testing. In some cases the composition of the end product is subject to official authorisation (in the case of products for use in building, for example), or to the agreement of the purchaser of the final product. The users argue that in these cases the substitution of isophoron diamines will take some time (up to two years) and will require some expenditure, as the development of a new compound and new testing are necessary. However, this is only valid for existing compounds, not for newly developed mixtures, as users have a free choice of diamines. Already even, in the main applications isophorondiamines can be replaced by other diamines at short notice. Only up to 20 % of the presently used isophoron diamines are limited in their substitutability. This reason is not sufficient for considering isophoron diamines as a separate market and therefore the Commission has come to the conclusion that diamines constitute one relevant product market.

9. Reagents for the production of cationic starch

- (34) Untransformed starch from potatoes, maize and wheat is converted into cationic starch with the use of reagents. Cationic starch is used in the paper industry for the pulp and surface treatment of fine paper, wrapping paper and corrugated board.
- (35) According to information supplied by the parties, starch reagents are produced in two stages. In the first place, a reagent is obtained which will not initiate the cationisation process by itself. This 'pre-

reagent' has to be converted into the finished reagent by means of a reaction with sodium hydroxide. Most producers offer only the pre-reagent, which unlike the finished reagent can be stored and transported without difficulty. For this reason the pre-reagent and finished reagent constitute separate product markets.

B. Geographic markets

- (36) With the exception of silicon tetrachloride, all the product markets described above are at least EEA-wide. The Commission's enquiries have found no evidence of smaller geographic markets. In the case of silicon tetrachloride, account has to be taken of the special features described in recital 29, namely the need for proximity between producer and customer. For fumed silica, the Commission is satisfied that the market is EEA-wide. As fumed silica is a voluminous material, transport costs are considerable (up to 8 %). Imports of fumed silica produced outside Europe are insignificant (less than 1 %). Hence all customers have stated that they only use European suppliers, a choice which is also influenced by the need to guarantee quality. A small but significant price increase would not cause customers to switch to non-European suppliers.

C. Assessment

1. MMA

- (37) The bulk of MMA is produced for the producer's own use. The non-captive market for MMA in the EEA is not very big. According to the Commission's enquiries, the market volume in the EEA in 1996 was about 85 000 to 90 000 tonnes. On the basis of sales figures supplied by the parties and their competitors, the breakdown of market shares is as follows ⁽¹⁾:

	Veba/ Röhm	Degussa	Veba and Degussa	ICI	Atochem	Repsol	BASF	Imports
Market share EEA 1996 by volume	[5 to 10] %	[10 to 15] %	[15 to 25] %	[30 to 50] %	[15 to 20] %	[10 to 20] %	[5 to 10] %	Ca. 5 %

⁽¹⁾ In the published version of this Decision, some information has been omitted or replaced by ranges, pursuant to Article 17(2) of Regulation (EEC) No 4064/89 concerning non-disclosure of business secrets.

- (38) The market leader in MMA is ICI, and there are other strong competitors alongside Veba/Degussa. Thus the concentration will not create a dominant position here.

2. Methacrylic acid

- (39) Methacrylic acid too is produced mainly for the producer's own use. According to the Commission's enquiries, the volume of the open market for methacrylic acid in the EEA is only about 20 000 tonnes. On the basis of sales figures supplied by the parties and their competitors, the breakdown of market shares is as follows:

	Veba/ Röhm	Degussa	Veba and Degussa	ICI	Atochem	BASF	Imports
Market share EEA 1996 by volume	[5 to 10] %	[10 to 15] %	[15 to 25] %	[40 to 60] %	[10 to 15] %	[10 to 20] %	Ca. 4 %

- (40) The market leader in methacrylic acid is ICI, and there are strong competitors alongside Veba/Degussa. Thus the concentration will not create a dominant position here.

3. Transparent plastics

- (41) According to the information supplied by the parties, the Community market in transparent plastics as a whole amounts to about 330 000 tonnes, or ECU 1 billion. Veba/Röhm's market share is about [15 to 25] % by volume and by value, and Degussa's share is about [5 to 15] %, giving a combined share of some [20 to 35] %. The Commission's enquiries have confirmed these figures. The major competitors are BASF (market share of about 15 to 25 %), Dow (about 10 to 15 %) and Elf Atochem (about 10 to 15 %).
- (42) If PMMA were to be considered as a separate market, the Community-wide market volume would be about 220 000 tonnes, or ECU 600 to 650 million. In this case, the market shares would be as follows:

	Veba/Röhm	Degussa	Veba and Degussa	AtoHaas	ICI	BASF	Others
Market share EEA 1996	[20 to 30] %	[7 to 15] %	[30 to 40] %	[25 to 35] %	[10 to 15] %	[5 to 10] %	10-20 %

- (43) The concentration would make Veba/Degussa the market leader in PMMA in the Community. Alongside the parties there are several competitors which are comparable to Veba/Degussa as regards their backward integration and their financial strength. The present market leader, AtoHaas, also has a market share which is not much lower than that of the parties'. Furthermore, PMMA can be replaced by other transparent plastics in some uses at least, which also generates a measure of competitive pressure. Thus the concentration, even assuming an independent market for PMMA, would not create a dominant position here.

different forms and qualities. According to the Commission's enquiries, many customers have stated that the quality of the product and the service are as important as the price. The barriers to market entry are low. This is confirmed by the successful market entry of east European and East Asian producers in the last five years (in particular, Agrobiochem, Bulgaria and Chimei Corp., Taiwan and Lucky, South Korea). For these reasons, the concentration is not expected to lead to a dominant oligopoly on the market for PMMA.

4. Acrylate-based PVC processing additives

- (44) The concentration would not lead, either, to the creation of an oligopoly by Veba/Degussa and Ato/ Haas on the market for PMMA. The combined market share of Veba/Degussa and Ato/ Haas would be above 55 %. However, the market is not very transparent. PMMA is produced and sold in
- (45) The market in acrylate-based PVC processing additives has a volume of only about 30 000 tonnes in the EEA as a whole, and a value of well below ECU 100 million. According to the Commission's enquiries, the parties will have a joint market share

of about [15 to 30] % after the merger (Veba [0 to 10] %, Degussa ca. [15 to 25] %). The clear market leader is Rohm & Haas, with a market share of [55 to 70] %. The only other competitor with a market share of over 10 % is Kaneka (about [10 to 15] %). Thus the concentration would not confer a dominant position on the parties. In view of the fact that market structure would be changed very little, there is no reason to expect that the concentration would create or strengthen a dominant position held jointly by the parties and Rohm & Haas.

5. *Organosilanes*

- (46) In organofunctional silanes, Hüls operates only in the 'non-rubber' branch, where it has a share of the EEA market of [40 to 50] %, while Degussa, with a market share of less than 1 %, does practically no business.
- (47) In the 'rubber' applications, Degussa is very strong. Until 1990, it had a patent on the sulphur-functional silanes used here, and still holds the market share of [>75] % that it had before. Hüls does no business in this area. According to information supplied by the parties, which is confirmed by customers, the main competitor in rubber applications is Witco/Osi, with a market share of about 18 %. Witco has been offering sulphur-functional silanes only since 1996.
- (48) As the parties operate on only one market each, the concentration would not lead to any addition of market shares. And, given the fact that the customers are different, there is no need to fear a portfolio effect.
- (49) On the market in alkyl silanes, the parties' combined market share is less than 15 %. The clear market leader is Wacker, with a market share of about [50 to 60] %. Thus the concentration would not create a dominant position here.

6. *Silicon tetrachloride*

- (50) Degussa uses its entire output of silicon tetrachloride in Antwerp as a raw material for fumed silica. Veba/Hüls supplies mainly to Cabot Hüls and Degussa in an integrated operation for the production of fumed silica. Other producers are Wacker, which processes it into fumed silica, and Dow, in an integrated fumed silica operation. Because of the difficulty of transporting it, the geographic market in silicon tetrachloride is confined to the place of production, so that the concentration will not lead to any addition of market shares.

7. *Fumed Silica*

- (51) Fumed silica is generally produced in a closed circuit, in which the supplier of the raw material, silicon tetrachloride or trichlorosilane, recycles the hydrochloric acid resulting from the production of fumed silica. The supplier of the raw material needs the hydrochloric acid for the production of the raw material, that is to say in the hydrochlorination of silicon metal. This means that the fumed silica producer must either cooperate closely with another firm or integrate the upstream stage into his operation.
- (52) In the EEA and throughout the world, the market in fumed silica is highly concentrated. There are three producers in Europe: Degussa, Cabot and Wacker. In the United States of America fumed silica is produced by Cabot and Degussa, in Japan by Tokuyama Soda and Nippon Aerosil, which is a Degussa and Mitsubishi joint venture. Other producers, such as Oriana in Ukraine, are of no great importance. Sales of fumed silica in the EEA amount to about ECU 160 million. According to the Commission's enquiries, Degussa has a market share of about [50 to 60] % in the Community, Wacker has [15 to 25] %, and Cabot [25 to 35] %.
- (53) Degussa has production facilities in Rheinfelden and Antwerp. Production of the raw material is integrated into the Antwerp operation, and, after the take-over by Hüls, Degussa's Rheinfelden operation will be integrated too. Wacker has production facilities in Burghausen and Kempten, and is likewise integrated with respect to the raw material. Cabot has a production plant in Barry, Wales, where the raw material is supplied by Dow Corning.
- (54) In Rheinfelden, Cabot produces fumed silica in a joint venture with Hüls, Cabot Hüls GmbH. The raw materials are supplied by Hüls, and Hüls takes the hydrochloric acid by-product from the joint venture. Hüls also supplies a variety of services such as waste disposal, works protection and fire-fighting. Under the joint venture agreement Cabot and Hüls have equal voting rights. The general meeting of shareholders takes decisions by unanimous vote on real property, longer-term lease agreements, cooperation with other enterprises, agreements on industrial property rights, the budget, borrowing, and agreements on the supply or sale of the products produced by Cabot/Hüls. Hüls and Cabot each appoint a manager. The two managers are responsible for different areas. That appointed by Hüls reports to the manager

appointed by Cabot. Profits and losses of the joint venture are shared between Cabot and Hüls. According to a supply contract between Cabot Hüls and Cabot, Cabot/Hüls is obliged to supply certain minimum quantities to Cabot; in practice, the entire production of Cabot/Hüls is sold to Cabot. The purchase price is linked to Cabot's average selling price for fumed silica.

- (55) Veba, through its stake in the joint venture Cabot/Hüls, has an interest in one of the two production plants operated by Degussa's biggest competitor in Europe, so that if Veba takes over Degussa the concentration will confer a dominant position on Veba/Degussa on the market in fumed silica. Degussa is the clear market leader in Europe with a market share of 50 to 60 %. As a result of the joint venture operated by Cabot and Veba there will be a structural link between them which would significantly weaken the position of Cabot as an independent competitor. As a result of the contractual relations between Veba and Cabot/Hüls, Veba/Degussa would always be informed about the pricing behaviour of Cabot on the market for fumed silica and could adapt its pricing behaviour accordingly. The already existing level of transparency of the market resulting from the homogeneity of the product would therefore be considerably increased by the concentration. The fact that Veba, through the Cabot-Hüls joint venture profits transfer arrangement, will benefit directly from a higher price level for the fumed silica sold by Cabot would also obstruct price competition between Cabot and Veba/Degussa. The market position of the remaining competitor, Wacker, would no longer be sufficient to generate effective competitive pressure and to prevent Veba/Degussa from acting independently of customers and competitors on the market. Buyers of fumed silica have therefore for the most part been critical of the merger between Veba and Degussa, assuming that Veba is to maintain its links in a joint venture with an important competitor. In addition, there are major barriers to the entry of new competitors onto the market, as the investment required to set up a new fumed silica plant is very heavy, and the specific process requires a supply of raw materials and an outlet for hydrochloric acid. No new competitor has entered the market in the last five years.

- (56) In order to overcome the Commission's concerns, Veba has given an undertaking to dispose of its stake in Cabot Hüls GmbH by [.....] at the latest to a competitor which does not belong either to the Veba group or to the Degussa group, or in which Veba and/or Degussa have no interest, and with which there is no relevant interlocking of directorships. If there has been no such disposal by that date, Veba will transfer all its voting and

management rights to a neutral and independent trustee. The appointment of the trustee must be approved by the Commission. The trustee will be given an irrevocable mandate to dispose of Veba's shares by [.....] at the latest to a buyer which does not belong either to the Veba group or to the Degussa group, which has no holding in either Veba or Degussa, and with which there is no relevant cross-tenure of directorships.

- (57) The Commission takes the view that the promise of a legal separation between Veba and the joint venture Cabot Hüls prevents the creation of a dominant position by Veba/Degussa. Cabot continues to be an independent competitor with Veba/Degussa. This assessment is shared by the buyers who expressed criticism of the concentration.
- (58) The fact that Hüls will go on supplying Cabot with raw materials (silicon tetrachloride and trichlorosilane) and that Cabot will go on supplying Hüls with hydrochloric acid resulting from the production does not justify the conclusion that the companies will not behave as competitors on the market. The mutual supply results from the closed loop situation which is specific to the production as it has been described by the parties. It will also be necessary in the future in order to allow Cabot to remain as an independent competitor on the market. Therefore, the Commission assumes that Hüls will supply Cabot with raw materials in the future. The Commission has been informed of a supply agreement to be entered into which will maintain the continuing competitiveness of the plants. The fact that Hüls has in the past supplied both the joint venture Cabot Hüls and Degussa with raw materials has according to the Commission's enquiries not prevented Cabot and Hüls from behaving independently on the market. Furthermore, Cabot is not unilaterally dependent on Hüls, as Hüls is at the same time dependent on supplies of hydrochloric acid by Cabot. Furthermore, Cabot is supplied independently from Hüls in its works in Barry.
- (59) To enable the Commission to verify that this undertaking is complied with, Veba should be required to report to the Commission at the beginning of every month on the steps it has taken to give effect to the undertaking.

8. Diamines/polyamines

- (60) According to information supplied by the parties, the total volume of the market in diamines and polyamines in the Community is about 31 800 tonnes, or about ECU 116 million. The market shares break down roughly as follows:

	Veba/Hüls	Degussa	Veba and Degussa	BASF	Bayer	Others
Market share EEA 1996	[20 to 30] %	[5 to 10] %	[25 to 35] %	[20 to 30] %	[15 to 25] %	20 to 30 %

- (61) Therefore, the concentration will not create a dominant position in the market for diamines/polyamines. Alongside the strong competitors BASF and Bayer there are other smaller suppliers. There is no evidence to suggest a dominant oligopoly consisting of the parties, BASF and Bayer. Diamines are not homogeneous products; each of the leading producers offers its own range, using different chemical bases. Therefore the prices of different types of diamine differ, too.

9. Reagents for the production of cationic starch

- (62) This market is small: the market volume in the EEA, including captive use and finished reagents, is between 25 000 and 30 000 tonnes, and excluding captive use and finished reagents it is about 10 000 to 15 000 tonnes. The market shares break down roughly as follows:

	Veba/Servo	Degussa	Veba and Degussa	CFZ	Others
Market share EEA 1996	[15 to 20] %	[17 to 23] %	[35 to 40] %	[25 to 35] %	[30 to 40] %

- (63) There are other smaller suppliers of starch reagents too. Two producers, Raisio and Roquette, make reagents for the production of cationic starch mainly or entirely for their own use. But it is conceivable that they might increase or begin production for sales to outsiders if market conditions are attractive enough. Since 1995 the US company Dow has entered the market, with a market share that is still low, but rising. Thus the concentration would neither create a dominant position nor would it lead to oligopolistic dominance.

- (64) In the case of finished reagents there is no addition of market shares, and consequently no strengthening of Degussa's market position, as Hüls/Servo does not operate in this area.

common market pursuant to Article 2(2) of the Merger Regulation and pursuant to Article 57 of the EEA Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The concentration between Veba and Degussa is hereby declared compatible with the common market and with the EEA Agreement, subject to compliance with the condition set out in Article 2.

Article 2

This decision is subject to the condition that Veba complies with the following undertakings:

- (65) For these reasons, then, it can be concluded that, provided the undertaking given by Veba (see recital 56) is fulfilled, the concentration will not create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or in a substantial part of it. In order to enable the Commission to verify the fulfilment of the condition, Veba should be required to report to the Commission on compliance with the condition. The concentration should accordingly be declared compatible with the

- (a) Veba's stake in Cabot Hüls GmbH shall be sold by [.....] at the latest to a buyer which does not belong either to the Veba group or to the Degussa group, or in which Veba and/or Degussa have no interest, and with which there is no relevant cross-tenure of directorships.
- (b) If there has been no such disposal as referred to in point (a) by the date given there, Veba shall transfer all its voting and management rights to a neutral and independent trustee. The appointment of the trustee shall be approved by the Commission.

VI. CONCLUSION

- (c) The trustee shall be given an irrevocable mandate to dispose of Veba's shares by [.] at the latest to a buyer which does not belong either to the Veba group or to the Degussa group, which has no capital holding in either Veba or Degussa, and with which there is no relevant cross-tenure of directorships.

Article 3

Veba is hereby instructed to report to the Commission at the beginning of every month on the steps taken to give effect to the undertaking described in Article 2.

Article 4

This Decision is addressed to:

Veba AG
Bennigsenplatz 1
D-40474 Düsseldorf.

Done at Brussels, 3 December 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 3 July 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards post-tensioning kits for the prestressing of structures

(notified under document number C(1998) 1506)

(Text with EEA relevance)

(98/456/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 the laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures pursuant to 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 possibility, 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 approval.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

ANNEX I

Post-tensioning kits for the prestressing of structures

ANNEX II

PRODUCT FAMILY

POST-TENSIONING KITS FOR THE PRESTRESSING OF STRUCTURES**1. Systems of attestation of conformity**

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Post-tensioning kits	For the prestressing of structures	—	1 +

System 1 +: See Annex III, Section 2, point (i), to Directive 89/106/EEC, with audit-testing of samples.

2. Conditions to be applied by EOTA on the specifications of the attestation of conformity system

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 Directive 89/106/EEC 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 July 1998

concerning the test of the Single Burning Item (SBI) referred to in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products

(notified under document number C(1998) 1743)

(Text with EEA relevance)

(98/457/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⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 20 thereof,

Whereas differences in test methods and classification systems for reaction to fire between Member States mean that harmonisation can take place only through the adoption of a single system for classification, based on agreed test methods, to be used throughout the Community;

Whereas Article 3(2) of Directive 89/106/EEC states that, in order to take account of different levels of protection for the construction works, each essential requirement may give rise to the establishment of classes;

Whereas point 4.3.1.1 of interpretative document No 2 attached to the Commission communication with regard to the interpretative documents of Council Directive 89/106/EEC⁽³⁾ specifies that to enable the reaction-to-fire performance of products to be evaluated on a common basis, a harmonised solution will be developed which may utilise full or bench scale tests that are correlated to relevant real fire scenarios;

Whereas this harmonised solution lies in a system of classes as adopted in Commission Decision 94/611/EC⁽⁴⁾;

Whereas Decision 94/611/EC refers in Table 1 of its Annex to the 'Single Burning Item' (SBI) test which is required for the testing of products for walls and ceilings including their surface coverings, building elements, products incorporated within building elements, pipes and duct components and products for façades/external walls in classes B, C or D;

Whereas differences in the apparatus used for reaction-to-fire testing may lead to differences in test results;

whereas therefore, to ensure that test results are the same throughout the Community, it is necessary to define a single configuration of the SBI apparatus;

Whereas the basis for the definition of a single configuration of the SBI test apparatus comes from the study undertaken on behalf of the Commission by the Official Laboratories Group, which examined the ability of different SBI configurations to satisfy the requirements for reaction-to-fire testing set out in Decision 94/611/EC and which recommended the most suitable configuration;

Whereas the preferred SBI configuration has been subject to an inter-laboratory ('round robin') testing programme covering a wide range of construction materials;

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

HAS ADOPTED THIS DECISION:

Article 1

The test of a Single Burning Item (SBI) in a room, as referred to in Table 1 of the Annex to Decision 94/611/EC, shall, for the purpose of classifying construction products in relation to their reaction to fire, conform to the configuration specified in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

⁽³⁾ OJ C 62, 28. 2. 1994, p. 23.

⁽⁴⁾ OJ L 241, 16. 9. 1994, p. 25.

ANNEX

SBI CONFIGURATION

1. General

The SBI test facility shall be fully described in a future European standard.

The SBI test facility, in its entirety (including the surrounding enclosure), shall be the same in all cases, subject to any allowable variations (for example on tolerances) to be included in that European standard.

2. Principle of the test

A test specimen consisting of two vertical wings forming a right-angled corner is exposed to the flame from a burner placed at the bottom of the corner. The flame is obtained by combustion of propane gas, injected through a sandbox.

After ignition of the burner, the following parameters of the burning process of the specimens are recorded: time to ignition, flame spread, heat release, smoke production and flaming droplets/particles.

3. The test facility

The SBI test facility consists of a test enclosure, the SBI apparatus (trolley, frame, burners, hood, collector and tubing), the propane supply system, the smoke exhaust system and general measuring equipment.

The precise specification and configuration of the test facility will be defined in the future European standard referred to in point 1. The main components will be as follows:

3.1. SBI test enclosure

— Inner dimensions:

— height $2,4 \pm 0,1$ m (top of the frame level),

— floor area $3,0 \pm 0,6$ m in both dimensions,

— windows: windows in the two walls facing the front side of the two perpendicular specimen planes,

— one wall with opening for trolley; distance between trolley and side walls $\geq 0,5$ m,

— with trolley in place, the openings of the test enclosure, except the air inlet at the bottom of the trolley and the smoke exhaust opening in the hood, should not exceed $0,05$ m².

3.2. SBI apparatus

The SBI apparatus consists of:

(a) a trolley on which two perpendicular specimen parts are placed, with the primary sandbox burner at the bottom of the vertical corner; the trolley is put in place with its rear side closing the opening in the wall of the SBI test enclosure; the air inlet under the floor of the trolley is provided with perforated plates to produce an evenly distributed flow along the floor of the test enclosure;

(b) a fixed frame into which the trolley is pushed and which supports the hood; the secondary burner is fixed to the frame;

(c) a hood on top of the frame which collects the combustion gases;

(d) a collector on top of the hood with a horizontal outlet for the exhaust; the baffles at the bottom of the collector prevent the flow in the hood from being too asymmetrical;

(e) a measuring tube of defined dimensions and configuration.

The apparatus shall be capable of accommodating test specimens up to 200 mm in thickness.

3.3. *Burners and propane supply system*

- (a) The SBI apparatus contains two identical sandbox burners, one in the bottom plate of the trolley, one fixed to a post of the frame, with the following specifications:
- shape: right triangle (top view) with equal sides of 250 mm, height 80 mm, bottom closed except a 1/2" pipe socket at the gravitational centre, top open; dimensions ± 2 mm,
 - box made of 1,5 mm steel (stainless), filled with a 60 mm bottom layer of gravel (size 4 to 8 mm) and a 20 mm top layer of 'sand' (2 to 4 mm); metal gauzes shall stabilise the two layers and prevent the gravel from entering the gas pipe socket; thickness of layers ± 2 mm,
 - positions:
 - the primary burner is mounted in the tray and connected to the U-profile at the bottom of the specimen position,
 - the secondary burner is fixed to the post of the frame opposite to the specimen corner, with the top of the burner at a height of $1\,450 \pm 5$ mm from the floor (1 000 mm vertical distance to the hood), its diagonal parallel and closest to the diagonal of the primary burner, and its 45 degree edges at 700 ± 5 mm from the specimen positions;
- (b) the specimens are protected from the heat flux of the flames of the secondary burner with a shield of defined materials and configuration.
- (c) the burners must be equipped with an ignition device, for example a pilot flame or a glow wire;
- (d) the propane purity shall be 95 % or better. The propane is supplied through a mass flow controller with defined requirements.

3.4. *Smoke exhaust system*

The smoke exhaust system must fulfil requirements to be defined in the future European standard referred to in point 1.

3.5. *General measuring equipment*

The measuring equipment, in terms of type, performance and location, will be specified in the future European standard referred to in point 1.

4. **Test specimen**

The corner specimen consists of two wings, designated the short and long wing respectively.

Test specimens of sheet and discrete products shall have surface dimensions as follows:

- (a) short wing: 495 ± 5 mm \times $1\,500 \pm 5$ mm;
- (b) long wing: $1\,000 \pm 5$ mm \times $1\,500 \pm 5$ mm.

Test specimens of other product types, such as cables, pipes, ducts, tubes and loose-fill insulation materials shall be provided and mounted in a representative manner, which will be fully described in a future European standard.

Where appropriate, products shall be attached to a substrate in a representative manner corresponding to the end-use of the product. The substrates and mounting procedures will be as defined in a future European standard.

Products shall be attached to a backing board of specified type, and conditioned according to the provisions of a future European standard.

The mounted specimen wings shall be placed vertically in the trolley, and marked with horizontal and vertical lines. These procedures will be defined in a future European standard.

5. **Test procedure**

The test procedure, including calibration, mounting procedures and operating conditions, and the parameters to be measured shall be detailed in a future European standard.

COMMISSION DECISION

of 9 July 1998

approving the monitoring plan for the detection of residues or substances in live animals and animal products presented by Belgium*(notified under document number C(1998) 1890/1)***(Only the French and Dutch texts are authentic)****(Text with EEA relevance)**

(98/458/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas Belgium forwarded to the Commission, in a document dated 9 February 1998, a plan specifying the national measures to be implemented during 1998 for the detection of certain substances and residues thereof in live animals and animal products; whereas that plan was amended by a document dated 6 April 1998, in accordance with the Commission's request, bringing it into line with the requirements of Directive 96/23/EC;

Whereas examination of this plan has shown that it complies with Directive 96/23/EC, and in particular Articles 5 and 7 thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The monitoring plan for the detection of the residues and substances referred to in Annex I to Directive 96/23/EC in live animals and animal products presented by Belgium is hereby approved.

Article 2

Belgium shall adopt the laws, regulations and administrative provisions necessary to implement the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 9 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 125, 23. 5. 1996, p. 10.

COMMISSION DECISION

of 9 July 1998

approving the monitoring plan for the detection of residues or substances in live animals and animal products presented by the Netherlands*(notified under document number C(1998) 1890/2)***(Only the Dutch text is authentic)****(Text with EEA relevance)**

(98/459/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas the Netherlands forwarded to the Commission, in a document dated 22 July 1997, a plan specifying the national measures to be implemented during 1998 for the detection of certain substances and residues thereof in live animals and animal products; whereas that plan was amended by a document dated 20 February 1998 and 30 March 1998, in accordance with the Commission's request, bringing it into line with the requirements of Directive 96/23/EC;

Whereas examination of this plan has shown that it complies with Directive 96/23/EC, and in particular Articles 5 and 7 thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The monitoring plan for the detection of the residues and substances referred to in Annex I to Directive 96/23/EC in live animals and animal products presented by the Netherlands is hereby approved.

Article 2

The Netherlands shall adopt the laws, regulations and administrative provisions necessary to implement the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 9 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 125, 23. 5. 1996, p. 10.

COMMISSION DECISION

of 9 July 1998

approving the monitoring plan for the detection of residues or substances in live animals and animal products presented by Spain*(notified under document number C(1998) 1890/3)***(Only the Spanish text is authentic)****(Text with EEA relevance)**

(98/460/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas Spain forwarded to the Commission, in a document dated 3 November 1997, a plan specifying the national measures to be implemented during 1998 for the detection of certain substances and residues thereof in live animals and animal products; whereas that plan was amended by a document dated 7 April 1998, in accordance with the Commission's request, bringing it into line with the requirements of Directive 96/23/EC;

Whereas examination of this plan has shown that it complies with Directive 96/23/EC, and in particular Articles 5 and 7 thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The monitoring plan for the detection of the residues and substances referred to in Annex I to Directive 96/23/EC in live animals and animal products presented by Spain is hereby approved.

Article 2

Spain shall adopt the laws, regulations and administrative provisions necessary to implement the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 9 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 125, 23. 5. 1996, p. 10.