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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1745/98**  
**of 6 August 1998**  
**establishing the standard import values for determining the entry price of certain**  
**fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98<sup>(2)</sup>, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 198, 15. 7. 1998, p. 4.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 6 August 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0709 90 70	052	35,3
	999	35,3
0805 30 10	382	60,0
	388	64,3
	524	62,2
	528	61,2
	999	61,9
0806 10 10	052	102,1
	400	223,0
	412	146,5
	600	76,1
	624	160,6
	999	141,7
0808 10 20, 0808 10 50, 0808 10 90	388	62,8
	400	79,0
	508	100,7
	512	60,1
	524	63,1
	528	81,6
	800	171,8
	804	108,5
	999	90,9
	0808 20 50	052
388		86,6
528		106,0
999		91,9
0809 20 95	052	464,1
	400	370,3
	404	365,5
	616	364,7
	999	391,2
0809 30 10, 0809 30 90	052	162,8
	999	162,8
0809 40 05	064	60,5
	066	37,2
	624	165,1
	999	87,6

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

**COMMISSION REGULATION (EC) No 1746/98  
of 6 August 1998**

**opening an invitation to tender for the refund or the tax for the export of rye to  
all third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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<sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened, in respect of rye to tender for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of the world market for the 1998/99 marketing year;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit

and form for the communication of tenders submitted to the competent authorities;

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*

1. Tenders shall be invited for the export refund and/or export tax provided for in Article 4 of Regulation (EC) No 1501/95.
2. The tendering procedure shall concern rye for export to all third countries.
3. The invitation shall remain open until 27 May 1999. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*Article 3*

The security referred to in Article 5(3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

*Article 4*

1. Notwithstanding Article 21(1) of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, export licences issued under Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

2. Export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

*Article 6*

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 8*

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

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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*ANNEX I***Weekly tender for the refund or the tax for the export of rye to all third countries**

(Regulation (EC) No 1746/98)

(Closing date for the submission of tenders (date/time))

1	2	3	
		A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
Number of tenderer	Quantity in tonnes		
1			
2			
3			
etc.			

*ANNEX II*

The only numbers to use to call Brussels (DG VI-C-1) are:

- fax:
  - 295 25 15,
  - 296 49 56,
- telex:
  - 22037 AGREC B,
  - 22070 AGREC B (Greek characters).

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**COMMISSION REGULATION (EC) No 1747/98**  
**of 6 August 1998**  
**correcting Regulation (EC) No 1725/98 amending the import duties in the cereals**  
**sector**

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2092/97 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas errors have been discovered in Annex I of Commission Regulation (EC) No 1725/98 <sup>(5)</sup>; whereas the Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1725/98 is hereby replaced by Annex I hereto.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

It shall apply from 4 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ L 216, 4. 8. 1998, p. 4.



## ANNEX

## ANNEX I

## Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (ECU/tonne)
1001 10 00	Durum wheat <sup>(1)</sup>	5,26	0,00
1001 90 91	Common wheat seed	57,08	47,08
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	57,08	47,08
	medium quality	77,62	67,62
	low quality	98,71	88,71
1002 00 00	Rye	110,30	101,42
1003 00 10	Barley, seed	110,30	101,42
1003 00 90	Barley, other <sup>(3)</sup>	110,30	101,42
1005 10 90	Maize seed other than hybrid	110,34	100,34
1005 90 00	Maize other than seed <sup>(3)</sup>	110,34	100,34
1007 00 90	Grain sorghum other than hybrids for sowing	111,70	111,70

<sup>(1)</sup> In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

<sup>(2)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

**COMMISSION REGULATION (EC) No 1748/98**

of 6 August 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EC) No 192/98<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EC) No 1352/98<sup>(6)</sup>, 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<sup>(7)</sup>, 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<sup>(8)</sup>, as last amended by Regulation (EC) No 1011/98<sup>(9)</sup>, 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 7 August 1998.

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.<sup>(3)</sup> OJ L 329, 30. 12. 1995, p. 18.<sup>(4)</sup> OJ L 20, 27. 1. 1998, p. 16.<sup>(5)</sup> OJ L 136, 31. 5. 1994, p. 5.<sup>(6)</sup> OJ L 184, 27. 6. 1998, p. 25.<sup>(7)</sup> OJ L 275, 29. 9. 1987, p. 36.<sup>(8)</sup> OJ L 159, 1. 7. 1993, p. 112.<sup>(9)</sup> OJ L 145, 15. 5. 1998, p. 11.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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## ANNEX

to the Commission Regulation of 6 August 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	2,361 1,933 3,633
1002 00 00	Rye	3,617
1003 00 90	Barley	3,242
1004 00 00	Oats	2,637
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	2,495 4,620 2,248 4,373 4,620 2,495 4,620
1006 20	Husked rice: — round grain — medium grain — long grain	— — —
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	— — —
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	0,463 2,700 2,700

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	3,242
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	2,730
	— in other cases	4,200
1102 10 00	Rye flour	4,955
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

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

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

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

**COMMISSION REGULATION (EC) No 1749/98**  
**of 6 August 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 923/96 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97 <sup>(4)</sup>, 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 <sup>(5)</sup>;

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 31 July to 6 August 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 33,95 per tonne.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 154, 28. 5. 1998, p. 24.

**COMMISSION REGULATION (EC) No 1750/98**  
**of 6 August 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 <sup>(1)</sup>, as last amended by Regulation (EC)  
No 923/96 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC)  
No 2052/97 <sup>(4)</sup>, 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 <sup>(5)</sup>;

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 31 July to 6 August 1998,  
pursuant to the invitation to tender issued in Regulation  
(EC) No 1078/98, the maximum refund on exportation of  
barley shall be ECU 47,50 per tonne.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 154, 28. 5. 1998, p. 20.

**COMMISSION REGULATION (EC) No 1751/98**

of 6 August 1998

**fixing the maximum reduction in the duty on maize imported in connection  
with the invitation to tender 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>;Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95<sup>(4)</sup>, as amended by Regulation (EC) No 1963/95<sup>(5)</sup>, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Article 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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 31 July to 6 August 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1445/98, the maximum reduction in the duty on maize imported shall be ECU 73,43 per tonne and be valid for a total maximum quantity of 75 000 tonnes.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 7. 7. 1998, p. 47.

<sup>(4)</sup> OJ L 177, 28. 7. 1995, p. 4.

<sup>(5)</sup> OJ L 189, 10. 8. 1995, p. 22.



**COMMISSION REGULATION (EC) No 1752/98**  
**of 6 August 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EC) No 192/98<sup>(4)</sup>, 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<sup>(5)</sup>, as amended by Regulation (EC) No 2993/95<sup>(6)</sup>, 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.

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

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

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

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

<sup>(5)</sup> OJ L 147, 30. 6. 1995, p. 55.

<sup>(6)</sup> OJ L 312, 23. 12. 1995, p. 25.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

*ANNEX*

to the Commission Regulation of 6 August 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 <sup>(1)</sup>	72,13	1104 23 10 9100	77,28
1102 20 10 9400 <sup>(1)</sup>	61,82	1104 23 10 9300	59,25
1102 20 90 9200 <sup>(1)</sup>	61,82	1104 29 11 9000	37,06
1102 90 10 9100	63,39	1104 29 51 9000	36,33
1102 90 10 9900	43,11	1104 29 55 9000	36,33
1102 90 30 9100	61,09	1104 30 10 9000	9,08
1103 12 00 9100	61,09	1104 30 90 9000	12,88
1103 13 10 9100 <sup>(1)</sup>	92,74	1107 10 11 9000	64,67
1103 13 10 9300 <sup>(1)</sup>	72,13	1107 10 91 9000	75,22
1103 13 10 9500 <sup>(1)</sup>	61,82	1108 11 00 9200	72,66
1103 13 90 9100 <sup>(1)</sup>	61,82	1108 11 00 9300	72,66
1103 19 10 9000	41,27	1108 12 00 9200	82,43
1103 19 30 9100	65,50	1108 12 00 9300	82,43
1103 21 00 9000	37,06	1108 13 00 9200	82,43
1103 29 20 9000	43,11	1108 13 00 9300	82,43
1104 11 90 9100	63,39	1108 19 10 9200	41,04
1104 12 90 9100	67,88	1108 19 10 9300	41,04
1104 12 90 9300	54,30	1109 00 00 9100	0,00
1104 19 10 9000	37,06	1702 30 51 9000 <sup>(2)</sup>	99,74
1104 19 50 9110	82,43	1702 30 59 9000 <sup>(2)</sup>	76,36
1104 19 50 9130	66,98	1702 30 91 9000	99,74
1104 21 10 9100	63,39	1702 30 99 9000	76,36
1104 21 30 9100	63,39	1702 40 90 9000	76,36
1104 21 50 9100	84,52	1702 90 50 9100	99,74
1104 21 50 9300	67,62	1702 90 50 9900	76,36
1104 22 20 9100	54,30	1702 90 75 9000	104,51
1104 22 30 9100	57,70	1702 90 79 9000	72,54
		2106 90 55 9000	76,36

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

<sup>(2)</sup> 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 1753/98**  
**of 6 August 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup> 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 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 51.

## ANNEX

## to the Commission Regulation of 6 August 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund <sup>(1)</sup>:

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 <sup>(2)</sup>	Amount of refund <sup>(2)</sup>
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	51,52
Cereal products <sup>(2)</sup> excluding maize and maize products	39,30

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

**COMMISSION REGULATION (EC) No 1754/98**  
**of 6 August 1998**  
**fixing production refunds on 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 organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(3)</sup>, as amended by Regulation (EC) No 192/98<sup>(4)</sup>, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors<sup>(5)</sup>, as last amended by Regulation (EC) No 1011/98<sup>(6)</sup>, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated

must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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 refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be ECU 56,75 per tonne.

*Article 2*

This Regulation shall enter into force on 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ L 159, 1. 7. 1993, p. 112.

<sup>(6)</sup> OJ L 145, 15. 5. 1998, p. 11.

**COMMISSION REGULATION (EC) No 1755/98****of 6 August 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97<sup>(4)</sup>;

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 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 (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 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

## ANNEX

## to the Commission Regulation of 6 August 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU / tonne)</i>			<i>(ECU / tonne)</i>		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	42,00
1001 90 91 9000	—	—	1101 00 15 9130	01	39,25
1001 90 99 9000	03	24,00	1101 00 15 9150	01	36,25
	02	0	1101 00 15 9170	01	33,50
1002 00 00 9000	03	45,00	1101 00 15 9180	01	31,25
	02	55,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	37,50	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	01	0 (2)
1005 10 90 9000	—	—	1103 11 10 9400	—	— (2)
1005 90 00 9000	03	43,00	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 1756/98**  
**of 6 August 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 2052/97<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EC) No 150/95<sup>(6)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(7)</sup>, as last amended by Regulation (EC) No 961/98<sup>(8)</sup>;

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 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 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 7 August 1998.

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

Done at Brussels, 6 August 1998.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ L 135, 8. 5. 1998, p. 5.



## ANNEX

## to the Commission Regulation of 6 August 1998 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-3,00	-5,00	-5,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	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	01	0	-1,50	-3,00	-4,50	-6,00	—	—
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

02 other third countries

03 United States of America, Canada and Mexico.

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

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 13 July 1998

**concerning the conclusion of an International Agreement in the form of an Agreed Minute between the European Community and the United States of America on humane trapping standards**

(98/487/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Having regard to the Council's Decision of 22 July 1997 approving the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation and calling upon the Commission to intensify its efforts to reach an agreement with the United States of America that is equivalent to the Agreement with Canada and the Russian Federation,

Whereas Regulation (EEC) No 3254/91 <sup>(3)</sup>, and in particular the second indent of Article 3(1) thereof, refers to internationally agreed humane trapping standards with which trapping methods used by third countries that have not prohibited leghold traps must conform in order for those countries to be able to export pelts and products manufactured from certain species to the Community;

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

<sup>(1)</sup> OJ C 32, 30. 1. 1998, p. 8.

<sup>(2)</sup> OJ C 210, 6. 7. 1998.

<sup>(3)</sup> Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards (OJ L 308, 9. 11. 1991, p. 1).

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

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

Whereas the International Agreement in the form of an Agreed Minute between the European Community and the United States of America on humane trapping standards should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The International Agreement in the form of an Agreed Minute between the European Community and the United States of America on humane trapping standards is hereby approved.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall notify to the United States of America the instrument of conclusion <sup>(1)</sup>.

Done at Brussels, 13 July 1998.

*For the Council*

*The President*

W. SCHÜSSEL

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<sup>(1)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREED MINUTE

1. In the course of the negotiations of the Agreement described in paragraph 8 below to develop a common framework for describing and evaluating progress towards the use of more humane traps and trapping methods, the Representatives of the European Community and of the United States of America acknowledge that the following understanding has been reached.
2. The European Community and the United States of America consider that the Standards annexed to this Understanding provide such a common framework and a basis for co-operation on the further development and implementation by their respective competent authorities of the Standards.
3. Underscoring that it does not by its endorsement intend to alter the distribution of authority within the United States for regulation of the use of traps and trapping methods, the United States of America endorses the annexed Standards as providing such a common framework for implementation by its competent authorities, for the humane trapping of specified terrestrial or semi-aquatic mammals.
4. The European Community and the United States of America intend to encourage and support research, development, monitoring and training programs by their respective authorities that promote the use and application of traps and trapping methods for the humane treatment of such mammals. They both recognise the need to re-evaluate and update the standards annexed to this understanding as new technical and scientific information and data become available based on such programs.
5. The European Community and the United States of America further intend to encourage their competent authorities to monitor and report on progress towards implementation of the standards annexed to this understanding.
6. The European Community and the United States of America recognise that nothing in this understanding affects their rights and obligations under the Marrakesh Agreement establishing the World Trade Organisation.
7. The European Community and the United States of America state their intention to consult with each other, at the request of either of them, on any matter concerning this understanding or the annexed standards with a view to finding a mutually acceptable solution.
8. Wherever the term 'the Agreement' is used in the annexed Standards, it is understood to mean the Agreement on Humane Trapping Standards between Canada, the European Community and the Russian Federation.

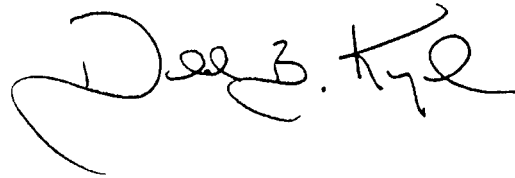
Done at Brussels this eighteenth day of December 1997, in duplicate, in the English language.

*For the  
European Community*



Handwritten signature of Jacques Delors, representing the European Community. The signature is written in a cursive style and includes the name 'Jacques Delors'.

*For the United States  
of America*



Handwritten signature of Doug B. Kyle, representing the United States of America. The signature is written in a cursive style and includes the name 'Doug B. Kyle'.

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*ANNEX***STANDARDS FOR THE HUMANE TRAPPING OF SPECIFIED TERRESTRIAL AND SEMI-AQUATIC MAMMALS***PART I: THE STANDARDS***1. AIMS, PRINCIPLES AND GENERAL CONSIDERATIONS OF THE STANDARDS****1.1. Aims**

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

**1.2. Principles**

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

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

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

**1.3. General considerations**

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

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

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

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

- (a) for restraining traps: the level of indicators beyond which the welfare of trapped animals is considered poor; and
- (b) for killing traps: the time to unconsciousness and insensibility and the maintenance of this state until death of the animal.

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

- (a) improving the welfare of animals trapped in restraining traps during the period of restraint;
- (b) producing rapid onset of unconsciousness and insensibility of animals trapped in killing traps; and
- (c) minimizing the capture of non-target animals.

**2. REQUIREMENTS FOR RESTRAINING TRAPPING METHODS****2.1. Definition**

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

## 2.2. Parameters

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

## 2.3. Indicators

- 2.3.1. Behavioural indicators recognised as indicators of poor welfare in trapped wild animals are:
- (a) self-directed biting leading to severe injury (self-mutilation);
  - (b) excessive immobility and unresponsiveness.
- 2.3.2. Injuries recognised as indicators of poor welfare in trapped wild animals are:
- (a) fracture;
  - (b) joint luxation proximal to the carpus or tarsus;
  - (c) severance of a tendon or ligament;
  - (d) major periosteal abrasion;
  - (e) severe external haemorrhage or haemorrhage into an internal cavity;
  - (f) major skeletal muscle degeneration;
  - (g) limb ischemia;
  - (h) fracture of a permanent tooth exposing pulp cavity;
  - (i) ocular damage including corneal laceration;
  - (j) spinal cord injury;
  - (k) severe internal organ damage;
  - (l) myocardial degeneration;
  - (m) amputation;
  - (n) death.

## 2.4. Thresholds

A restraining trapping method would meet the Standards if:

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

## 3. REQUIREMENTS FOR KILLING TRAPPING METHODS

### 3.1. Definition

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

### 3.2. Parameters

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

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

## 3.3. Indicators and time limits

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

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

## 3.4. Thresholds

A killing trapping method would meet the Standards if:

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

## PART II: LIST OF SPECIES AND IMPLEMENTATION SCHEDULE

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

## 4.1. Species list

The Standards apply to the following species:

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

Additional species will be included in the future as appropriate.



- 4.2. **Implementation schedule** <sup>(1)</sup>
- 4.2.1. Trapping methods are tested to demonstrate their conformity with these Standards by the competent authorities within:
- (a) for restraining trapping methods, three to five years after the entry into force of the Agreement, depending on the testing priorities and availability of testing facilities; and
  - (b) for killing trapping methods, five years after the entry into force of the Agreement.
- 4.2.2. Within three years after the end of the periods referred to in 4.2.1, the use of traps that are not in accordance with these Standards are phased out by the respective competent authorities.
- 4.2.3. Notwithstanding the provisions of paragraph 4.2.2, where a competent authority determines that the results of trap testing do not support the conformity of traps with the Standards for specific species or under specific environmental conditions, a competent authority may continue to permit the use of traps on an interim basis while research continues to identify replacement traps. In such cases, prior notification should be given between the European Community and the United States of the traps to be authorized for interim use and the status of the research program. In cases in which this paragraph applies with respect to trapping in the United States, the competent authorities in the United States should transmit such information to the Government of the United States for transmission to the European Community.
- 4.2.4. In addition to paragraph 4.2.3, and notwithstanding the provisions of paragraph 4.2.2, derogations may be granted by a competent authority on a case-by-case basis consistent with the objectives of the Standards, for any of the following purposes:
- (a) the interests of public health or safety;
  - (b) protection of public or private property;
  - (c) purposes of research, education and protection of the environment, including repopulation, reintroduction, breeding or for the protection of flora and fauna;
  - (d) using traditional wooden traps essential for preserving cultural heritage of indigenous communities.
- Where implementing this paragraph, prior written notification of such derogations, along with their reasons and conditions, should be given by the European Community or the United States. In the case of the United States, the competent authorities should give such written notification to the Government of the United States for transmission to the European Community, along with their reason and conditions.
- 4.2.5. Consultations on the subjects referred to in paragraphs 4.2.3 and 4.2.4 should be held pursuant to paragraph 7 of the Agreed Minute at the request of either the European Community or the United States of America.

### *PART III: GUIDELINES*

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

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

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

##### 5.1. General guidelines

- 5.1.1. Tests should be performed according to comprehensive study protocols.
- 5.1.2. The functioning of the trap mechanism should be tested.

<sup>(1)</sup> Authority to regulate traps and trapping methods for the taking in the United States of the specified terrestrial or semi-aquatic mammals resides primarily in the state and tribal authorities.

- 5.1.3. Testing of traps in the field should be carried out in particular for the assessment of selectivity. This test can also be used to collect data on capture efficiency and user safety.
- 5.1.4. Restraining traps should be tested in a compound, in particular to evaluate behavioral and physiological parameters. Killing traps should be tested in a compound, in particular to identify unconsciousness.
- 5.1.5. In the field tests, traps should be checked daily.
- 5.1.6. The effectiveness of the killing traps to render the target animal unconscious and kill it should be tested on conscious, mobile animals, by laboratory or compound and field measurements. The ability of the trap to strike the target animal at vital locations should be evaluated.
- 5.1.7. The order of testing procedures may be varied to ensure the most effective evaluation of the traps to be tested.
- 5.1.8. Traps should not expose the operator to undue hazard under normal use.
- 5.1.9. If appropriate, a broader range of measures should be checked when testing traps. Field testing should include studies of the effects of trapping on both target and non-target species.
- 5.2. Study situation**
- 5.2.1. The trap should be set and used according to the best advice from manufacturers or others on how to do so.
- 5.2.2. For compound testing, a compound should be used that provides a suitable environment for the animals of the target species to move freely, hide and show most normal behavior. It should be possible to set traps and monitor trapped animals. The trap should be set so that video and sound recording can be made of the whole trapping episode.
- 5.2.3. For field testing, sites should be selected that are representative of those that will be used in practice. Since the selectivity of the trap and any possible adverse effects of the trap on non-target species are important reasons for field testing, sites for field testing may need to be chosen in different habitats where different non-target species are likely to be encountered. Pictures of each trap and its set and of the general environment should be taken. The trap identification number should be made a part of the photographic record before and after a strike.
- 5.3. Study personnel**
- 5.3.1. Test personnel should be appropriately qualified and trained.
- 5.3.2. Among the test personnel there should be at least one person experienced in the use of the traps, and capable of trapping the animals used in the test and at least one person experienced in each of the methods of welfare assessment for restraining traps and in methods of assessing unconsciousness for killing traps. For example, the assessment of behavioral responses to trapping and of aversiveness should be done in particular by a trained person who is familiar with the interpretation of such data.
- 5.4. Animals to be used in trap testing**
- 5.4.1. Compound test animals should be in good health and representative of those that are likely to be caught in the wild. The animals used should not have prior trapping experience of the trap being tested.
- 5.4.2. Prior to the testing of traps, animals should be housed in appropriate conditions and provided with adequate food and water. Animals should not be housed in a manner that might in itself result in poor welfare.
- 5.4.3. Animals should be acclimatised to the testing compound prior to the start of the test.

## 5.5. Observations

### 5.5.1. Behavior

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

### 5.5.2. Physiology

- 5.5.2.1. Some animals should be fitted with telemetric recorders (e.g., to record heart rate, respiratory rate) before testing. Such fitting should occur long enough before trapping for the animal to recover from any disturbance caused by having been fitted with such recorders.
- 5.5.2.2. All precautions should be taken to limit inadequate or biased observations and parameters, especially those due to human interference when sampling.
- 5.5.2.3. When biological sampling (e.g., of blood, urine, saliva) is performed, it should be done at times relevant to the trapping event and the time-dependent considerations of the parameter being evaluated. Control data from animals kept elsewhere in good conditions and for different activities, baseline data before the trapping event occurs, and some reference data after extreme stimulations (e.g., a challenge test with adrenocorticotrophic hormone) should also be collected.
- 5.5.2.4. All biological samples should be taken and stored according to the best knowledge to ensure conservation before analysis.
- 5.5.2.5. Analytical methods used should be validated.
- 5.5.2.6. For killing traps, when neurological examinations using reflexes (such as pain or eyes) are performed in combination with the measurement of an EEG and/or VERs or SERs, they should be done by an expert, to provide relevant information concerning the consciousness of the animal or the effectiveness of the killing technique.
- 5.5.2.7. When the animals are not unconscious and insensible within the time described in the test protocol, they should be killed in a humane way.

### 5.5.3. Injuries and pathology

- 5.5.3.1. Each test animal should be carefully examined so as to assess any injury. Radiographic examination should be conducted to confirm possible fractures.
- 5.5.3.2. Further detailed pathological examination of dead animals should be carried out. Post-mortem examination should be performed in accordance with accepted veterinary examination practices by an experienced veterinarian.
- 5.5.3.3. The affected organs or/and regions should be examined macroscopically, and histologically if appropriate.

## 5.6. Report

- 5.6.1. The study report should contain all relevant information about the experimental design, materials and methods, and results, in particular:
  - (a) the technical description of the trap design including construction material;
  - (b) manufacturers' instructions for use;
  - (c) the description of the test situation;
  - (d) weather conditions, in particular temperature and snow depth;
  - (e) the test personnel;
  - (f) the number of animals and traps tested;
  - (g) the total number of captured target and non-target animals of each species, and their relative abundance expressed as rare, common or abundant in that area;

- (h) selectivity;
  - (i) details of any evidence that the trap was activated and injured an animal that was not caught;
  - (j) behavioral observations;
  - (k) values of each physiological parameter measured and methodologies;
  - (l) description of injuries and post-mortem examinations;
  - (m) time to loss of consciousness and sensibility; and
  - (n) statistical analyses.
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**Side letter**

Brussels, 18 December 1997.

Dear . . . ,

As you know, representatives of the European Community and the United States of America today signed an Agreed Minute related to humane trapping standards. With respect to that Agreed Minute, I am pleased to inform you of the following:

As reflected in the Agreed Minute, authority to regulate traps and trapping methods for the taking in the United States of terrestrial or semi-aquatic mammals resides primarily in the State and tribal authorities. As a result of our discussions on these issues, representatives of the competent authorities in the United States have advised that they have intensified their efforts to identify more humane traps and already a fifty-State initiative, in cooperation with several Federal agencies, has begun to develop best management practices (BMPs) for traps and trapping methods.

Best management practices involve a practice or combination of practices that are identified to be the most effective and practicable (technically, economically and socially) means to reduce or prevent problems associated with an activity. Representatives of the competent authorities in the United States have advised that BMPs for traps and trapping methods will be based upon the latest technical and scientific information and data.

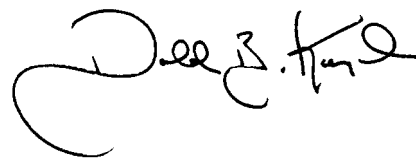
Representatives of the competent authorities in the United States have advised that best management practices for traps and trapping methods in the United States will be developed based upon the standards annexed to the Agreed Minute. I am particularly pleased to inform you that the programme that is being undertaken by the US competent authorities is not limited to the nineteen species listed in the standards annexed to the Agreed Minute, but is being applied to the additional ten fur-bearing species commercially trapped in the United States. These species are the mink, red fox, grey fox, Arctic fox, swift fox, nutria, opossum, skunk, bassarisk and wolverine. This constitutes an important further step undertaken by the competent authorities in the United States designed to improve animal welfare, a step which we believe has not been matched by any other country or in any international agreement.

Additionally, representatives of the competent authorities in the United States have indicated that, pursuant to the standards annexed to the Agreed Minute, with respect to the *Mustela ermina* and the *Ondatra zibethicus*, the use of all jaw-type leghold restraining traps is being phased out within four years of the entry into force of the Agreement on Humane Trapping Standards between Canada, the European Community and the Russian Federation. These two species encompass over 2,2 million animals trapped every year in the United States and represent typically 50 % of all animals listed in the standards trapped annually in this country.

With respect to the trapping of other species described in the Standards, the above-referenced authorities have advised that, pursuant to the Standards annexed to the Agreed Minute, the use of conventional steel-jawed leghold restraining traps is being phased out within six years of the entry into force of the Agreement on Humane Trapping Standards between Canada, the European Community and the Russian Federation.

I trust that the foregoing provides sufficient clarification with respect to the situation in the United States. The competent authorities in the United States anticipate and welcome continued cooperation in this area with the European Community and other interested parties.

Sincerely,



Donald B. KURSCH  
*Chargé d'affaires a.i.*

**Side letter**

Brussels, 18 December 1997

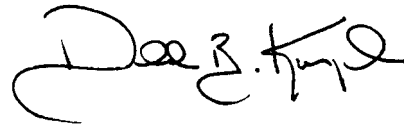
Dear . . . ,

As you know, our delegations recently completed negotiation of an Agreed Minute on humane trapping standards. I am writing this letter to memorialise an understanding we reached on the meaning and application of the Agreed Minute and its attached standards.

Paragraph 6 of the Agreed Minute provides that 'the United States of America and the European Community recognise that nothing in this understanding affects their rights and obligations under the Marrakesh Agreement establishing the World Trade Organisation'. In the course of developing this language we decided that it was not necessary to add to the end of this paragraph the phrase 'nor constitutes a waiver of any such rights' and that neither government would cite such non-inclusion in any dispute or proceeding that might relate to this paragraph.

If you concur in the statement described above, I would appreciate your confirmation in a letter or reply. Thank you for your continuing attention to this matter.

Sincerely



Donald B. KURSCH  
*Chargé d'affaires a.i.*

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**Side letter**

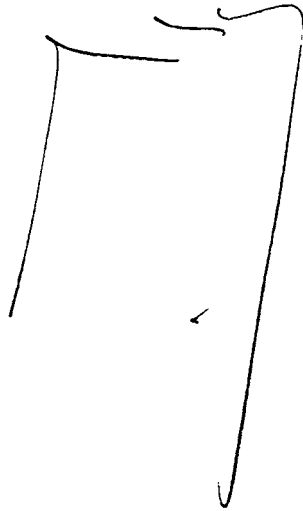
Brussels, 18 December 1997

Dear . . . ,

Thank you for your letter memorialising the understanding we reached on the meaning and application of the Agreed Minute and its attached standards.

In response to it, we would like to confirm that in the course of developing the language of paragraph 6 of the Agreed Minute, we decided that it was not necessary to add to the end of this paragraph the phrase 'nor constitutes a waiver of any such rights' and that neither government would cite such non-inclusion in any dispute or proceeding that might relate to this paragraph.

Sincerely



Jean-Jacques KASEL  
*Ambassador,  
Permanent Representative  
of Luxembourg,  
Chairman of the Permanent  
Representatives Committee*



Johannes Friedrich BESELER  
*Director-General of the Directorate-General  
for External Economic Relations  
of the Commission of the European  
Communities*

**Information on the date of entry into force of the Protocol concerning sanitary, phytosanitary and animal welfare measures in relation to trade to the Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part**

The internal procedures applicable by the two Parties to the Protocol concerning sanitary, phytosanitary and animal welfare measures in relation to trade to the Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part<sup>(1)</sup>, signed in Brussels on 20 July 1998 and in Prague on 21 July 1998 and published in the collection of Czech laws on 20 August 1998, have been completed. The Protocol will therefore enter into force on 20 August 1998.

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<sup>(1)</sup> OJ L 106, 6. 4. 1998, p. 1.



# COMMISSION

## COMMISSION DECISION

of 7 April 1998

establishing the ecological criteria for the award of the Community eco-label to soil improvers

(98/488/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme<sup>(1)</sup>, and in particular Article 5 thereof,

Whereas Article 5 of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

Whereas Article 10(2) of Regulation (EEC) No 880/92 states that the environmental performance of a product shall be assessed by reference to the specific criteria for product groups;

Whereas, by Decision 94/923/EC<sup>(2)</sup>, the Commission established ecological criteria for the award of the Community eco-label to soil improvers, which, according to Article 3 thereof, were valid until 14 November 1997;

Whereas it is appropriate to adopt a new Decision establishing criteria for this product group, which will be valid for a further period of three years after the expiry of the period of validity of the previous criteria;

Whereas it is appropriate to revise the criteria which were established by Decision 94/923/EC in order to reflect the developments in the market;

Whereas products must be in compliance with national legislation which is in conformity with Community health, safety and environmental requirements without prejudice to regulatory requirements of Community or national law applicable to the various life stages of the product;

Whereas in accordance with Article 6 of Regulation (EEC) No 880/92 the Commission has consulted the principal interest groups within a consultation forum;

Whereas the measures set out in this Decision are in accordance with the opinion of the committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

### *Article 1*

The product group 'soil improvers' shall mean:

'Materials sold as end user products for gardening to be added to the soil to improve at least its physical condition or its physical and biological condition without causing harmful effects.'

### *Article 2*

The environment performance of the product group as defined in Article 1 shall be assessed by reference to the specific ecological criteria set out in the Annex.

### *Article 3*

The product group definition and the specific ecological criteria for the product group shall be valid from 1 April 1998 until 31 March 2001.

### *Article 4*

For administrative purposes, the product group code number assigned by the Commission to this product group shall be '003'.

<sup>(1)</sup> OJ L 99, 11. 4. 1992, p. 1.

<sup>(2)</sup> OJ L 364, 31. 12. 1994, p. 21.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 7 April 1998.

*For the Commission*  
Ritt BJERREGAARD  
*Member of the Commission*

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## ANNEX

## FRAMEWORK

In order to qualify for an eco-label the soil improver as defined below shall comply with the criteria and requirements of this document, which are aimed at promoting:

- the use and/or re-use of organic matter derived from the collection and/or processing of waste materials and therefore contributing to a minimisation of solid waste,
- the reduction of environmental damage or risks from heavy metals and nutrients in products to be marketed and applied as soil improvers.

## 1. Product source

A soil improver will only be considered for the award of an eco-label if its organic matter content is provided by constituents derived from the processing and/or re-use of waste materials (as defined in Directive 75/442/EEC on waste and in Annex I to the said Directive).

Note: the term 'organic' refers in the general sense to materials of, or formed from/by, living organisms.

Products must not contain sewage sludge.

Products which include materials of animal origin shall comply with the provisions set out by existing Community legislation.

## ECOLOGICAL CRITERIA

## 2. Soil degradation and water pollution

In the final product, the content of the following elements must be lower than the values shown below, measured in terms of dry weight:

Element	mg/kg
Zn	300
Cu	100
Ni	50
Cd	1
Pb	100
Hg	1
Cr	100
Mo (*)	2
Se (*)	1,5
As (*)	10
F (*)	200

(\*) Data relating to the presence of these elements are needed only for products containing material from an industrial process and municipal solid waste.

Products must not contain bark which has been treated with lindane, cypermethrin or promecarb. If the product contains bark, traces of lindane ( $\gamma$  - HCH) in the bark must not exceed 0,1 mg/kg.

### 3. Nutrient loadings

The concentration of nitrogen in the product must not exceed 2 % total N (of dry matter).

When used at the recommended rates of application, products must not exceed maximum nutrient loadings of:

- 17 g/m<sup>2</sup> total nitrogen,
- 6 g/m<sup>2</sup> P<sub>2</sub>O<sub>5</sub>,
- 12 g/m<sup>2</sup> K<sub>2</sub>O.

Note: Products will be exempt from this requirement if less than 10 % (w/w) of the nutrient content is available for plant growth during the first season of application. Such products (for example many mulches) are defined as those having a C:N ratio greater than 30:1.

## OTHER REQUIREMENTS

### 4. General labelling

The following information must be provided either on the packaging or by other means (e.g. leaflet) with the product:

- the name and address of the body responsible for marketing,
- a descriptor identifying the product by type, including the phrase 'soil improver',
- recommended conditions of storage and the recommended 'use by' date, together with a manufacturing batch code,
- a description of the purpose for which the product is intended and any limitations to use. The suitability of the product for particular plant groups (e.g. calcifuges or calcicoles) should be stated,
- the major feedstocks (those over 10 % by volume) from which the product has been manufactured, distinguishing between municipal solid waste, wastes from agriculture or forestry, industrial and commercial wastes specifying the sector (e.g. food processing, paper, etc.),
- a statement on recommended methods of use and rate of application expressed as kilograms or litres of product per m<sup>2</sup> of ground per annum; the application rate shall take into account the content and availability of nutrients in order not to exceed the maximum nutrient loadings per m<sup>2</sup>,
- a statement on the concentrations of N, P<sub>2</sub>O<sub>5</sub> and K<sub>2</sub>O,
- a statement on the concentrations of organic matter,
- a table or list with the concentration limits for the heavy metals mentioned in this Annex,
- guidelines for safe handling and use.

### 5. Product performance

All products must be supplied in a solid form and contain not less than 25 % dry matter by weight and not less than 20 % organic matter (measured by loss of ignition). Products must not adversely affect plant emergence or subsequent growth.

### 6. Health and safety

Products must not exceed the maximum levels of primary pathogens set out in the table below:

Fresh material	
<i>Salmonella</i> <i>E. coli</i>	Absent in 25 g < 1 000 MPN (*)/g

(\*) MPN: most probable number.

**7. Nuisance**

No product shall give rise to persistent offensive odours after being applied to the soil.

No product shall contain any fragments of glass, wire, other metal or hard plastic which may constitute a hazard to human health.

No product shall introduce unacceptable numbers of weed seeds or the vegetative reproductive parts of aggressive weeds into the soil.

**8. Test methods and analysis**

Test methods and analysis for heavy metals are to be in accordance with the requirements of Directive 86/278/EEC. In the absence of internationally agreed test methods for physical and microbiological analysis as well as for other requirements in relation to soil improvers the test method is the responsibility of Member States.

**CONSUMER INFORMATION**

The product must bear the following information on the packaging:

**This product qualifies for the EU eco-label, because:**

- **it contributes to the reduction of soil and water pollution and minimises waste by promoting its use or re-use.**

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 1737/98 of 5 August 1998 fixing the maximum export refund for white sugar for the first partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98**

*(Official Journal of the European Communities L 218 of 6 August 1998)*

On page 3, footnote (3):

*for:* 'OJ L 194, 23.7.1997, p. 16',

*read:* 'OJ L 206, 23.7.1998, p. 7'.

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