

English edition

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1956/98
of 15 September 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 1498/98 ⁽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 Commission fixes the standard values for imports from third

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 September 1998.

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

Done at Brussels, 15 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 15 September 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	064	73,6
	999	73,6
0707 00 05	052	55,8
	060	126,1
	999	90,9
0709 90 70	052	93,0
	999	93,0
0805 30 10	388	74,6
	512	80,9
	524	75,6
	528	67,5
	999	74,6
0806 10 10	052	88,0
	064	49,6
	400	156,1
	999	97,9
	0808 10 20, 0808 10 50, 0808 10 90	388
400		60,5
508		42,5
512		88,3
524		35,5
528		86,5
800		199,9
804		67,4
999		79,3
0808 20 50		052
	064	57,2
	388	90,5
	528	81,6
0809 30 10, 0809 30 90	999	79,7
	052	126,2
	999	126,2
0809 40 05	052	54,6
	060	46,4
	064	57,6
	066	71,4
	068	50,8
	093	70,4
	400	86,6
	624	180,7
	999	77,3

⁽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 1957/98

of 15 September 1998

adapting certain fish quotas for 1998 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 23 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁽³⁾, and in particular Article 4(2) thereof,

Whereas Council Regulations (EC) No 390/97⁽⁴⁾, as last amended by Regulation (EC) No 1974/97⁽⁵⁾, (EC) No 392/97⁽⁶⁾, (EC) No 394/97⁽⁷⁾, (EC) No 395/97⁽⁸⁾, as amended by Regulation (EC) No 2429/97⁽⁹⁾, (EC) No 396/97⁽¹⁰⁾, (EC) No 398/97⁽¹¹⁾, (EC) No 400/97⁽¹²⁾, (EC) No 402/97⁽¹³⁾, (EC) No 404/97⁽¹⁴⁾, (EC) No 406/97⁽¹⁵⁾, (EC) No 407/97⁽¹⁶⁾ stipulate which stocks may be subject to the measures foreseen by Regulation (EC) No 847/96;

Whereas Council Regulations (EC) No 45/98⁽¹⁷⁾, as last amended by Regulation (EC) No 783/98⁽¹⁸⁾, (EC) No 47/98⁽¹⁹⁾, (EC) No 49/98⁽²⁰⁾, (EC) No 50/98⁽²¹⁾, (EC) No 51/98⁽²²⁾, (EC) No 53/98⁽²³⁾, (EC) No 55/98⁽²⁴⁾, (EC) No 57/98⁽²⁵⁾, (EC) No 59/98⁽²⁶⁾, (EC) No 61/98⁽²⁷⁾, (EC) No 62/98⁽²⁸⁾, (EC) No 63/98⁽²⁹⁾, and (EC) No 65/98⁽³⁰⁾, as amended by Regulation (EC) No 1283/98⁽³¹⁾, fix fish quotas for certain stocks in 1998;

Whereas, within the terms of Article 4(2) of Regulation (EC) No 847/96, certain Member States have asked to withhold a fraction of their quotas to be transferred to the following year; whereas, within the limits indicated in the Article, the Commission shall add to the quota for 1998 the quantities withheld;

Whereas, according to the information communicated to the Commission, certain Member States have fished in excess of permitted landings for some stocks in 1997; whereas, in accordance with Article 5(1) of Regulation (EC) No 847/96, deductions from national quotas for 1998 shall be made at a level equivalent to the quantity fished in excess, without prejudice to the application of Article 5(2);

Whereas, in conformity with Article 5(2) of Regulation (EC) No 847/96, weighted deductions from national quotas for 1998 shall be made in the case of overfishing of permitted landings in 1997 for those stocks identified as such in Article 5 and Annex III to Regulation (EC) No 390/97;

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

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.
⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.
⁽³⁾ OJ L 115, 9. 5. 1996, p. 3.
⁽⁴⁾ OJ L 66, 6. 3. 1997, p. 1.
⁽⁵⁾ OJ L 278, 11. 10. 1997, p. 1.
⁽⁶⁾ OJ L 66, 6. 3. 1997, p. 57.
⁽⁷⁾ OJ L 66, 6. 3. 1997, p. 69.
⁽⁸⁾ OJ L 66, 6. 3. 1997, p. 71.
⁽⁹⁾ OJ L 337, 9. 12. 1997, p. 1.
⁽¹⁰⁾ OJ L 66, 6. 3. 1997, p. 74.
⁽¹¹⁾ OJ L 66, 6. 3. 1997, p. 83.
⁽¹²⁾ OJ L 66, 6. 3. 1997, p. 92.
⁽¹³⁾ OJ L 66, 6. 3. 1997, p. 101.
⁽¹⁴⁾ OJ L 66, 6. 3. 1997, p. 110.
⁽¹⁵⁾ OJ L 66, 6. 3. 1997, p. 119.
⁽¹⁶⁾ OJ L 66, 6. 3. 1997, p. 133.
⁽¹⁷⁾ OJ L 12, 19. 1. 1998, p. 1.
⁽¹⁸⁾ OJ L 113, 15. 4. 1998, p. 8.
⁽¹⁹⁾ OJ L 12, 19. 1. 1998, p. 58.
⁽²⁰⁾ OJ L 12, 19. 1. 1998, p. 70.
⁽²¹⁾ OJ L 12, 19. 1. 1998, p. 72.
⁽²²⁾ OJ L 12, 19. 1. 1998, p. 75.
⁽²³⁾ OJ L 12, 19. 1. 1998, p. 84.
⁽²⁴⁾ OJ L 12, 19. 1. 1998, p. 93.
⁽²⁵⁾ OJ L 12, 19. 1. 1998, p. 102.
⁽²⁶⁾ OJ L 12, 19. 1. 1998, p. 111.
⁽²⁷⁾ OJ L 12, 19. 1. 1998, p. 119.
⁽²⁸⁾ OJ L 12, 19. 1. 1998, p. 121.
⁽²⁹⁾ OJ L 12, 19. 1. 1998, p. 136.
⁽³⁰⁾ OJ L 12, 19. 1. 1998, p. 145.
⁽³¹⁾ OJ L 178, 23. 6. 1998, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The quotas fixed in Regulations (EC) No 45/98 and (EC) No 62/98 are increased or reduced as shown in the Annex.

Article 2

This Regulation shall enter into force on the seventh 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, 15 September 1998.

For the Commission
Emma BONINO
Member of the Commission

ANNEX

Species	Zone	Member State	Withheld quantities (1)	Catch in excess of permitted landings in 1997	Deductions (2)	Weighted deductions (%), quantity (3)	Additional deductions (4)	1998 quota (5)	Council Regulation (EC) No	Revised value of 1998 quota (tonnes)
Herring	IV a and b	Denmark	n.a.	1 236	1 236	n.a.	n.a.	36 300	45/98	35 064
Herring	IV a and b	Sweden	n.a.	584		10 %; 642	n.a.	2 580	45/98	1 938
Herring	IV a and b	United Kingdom	n.a.	368	368	n.a.	n.a.	38 910	45/98	38 542
Herring	IV c and VII d	France	n.a.	519	519	n.a.	n.a.	8 530	45/98	8 011
Herring	VII e and f	France	n.a.	40	40	n.a.	n.a.	500	45/98	460
Cod	III a Skagerrak	Sweden	n.a.	102	102	n.a.	n.a.	2 800	45/98	2 698
Cod	VII b-k, VIII, IX and X	France	n.a.	23	23	n.a.	n.a.	15 280	45/98	15 257
Megrim	VII	Belgium	61	n.a.	n.a.	n.a.	n.a.	610	45/98	671
Megrim	VII	Spain	672	n.a.	n.a.	n.a.	n.a.	6 720	45/98	7 392
Megrim	VII	France	765	n.a.	n.a.	n.a.	n.a.	8 150	45/98	8 915
Megrim	VIII a, b, d and e	Spain	140	n.a.	n.a.	n.a.	n.a.	1 440	45/98	1 580
Anglerfish	VII	Belgium	246	n.a.	n.a.	n.a.	n.a.	2 460	45/98	2 706
Anglerfish	VII	Spain	98	n.a.	n.a.	n.a.	n.a.	980	45/98	1 078
Anglerfish	VII	France	1 490	n.a.	n.a.	n.a.	n.a.	15 820	45/98	17 310
Anglerfish	VII	Netherlands	31	n.a.	n.a.	n.a.	n.a.	320	45/98	351
Anglerfish	VIII a, b, d and e	Spain	100	n.a.	n.a.	n.a.	n.a.	1 160	45/98	1 260
Haddock	III a and III b, c and d (6)	Sweden	n.a.	16	16	n.a.	n.a.	490	45/98	474
Northern prawn	III a	Sweden	n.a.	39	39	n.a.	n.a.	2 460	45/98	2 421
European plaice	VII f and g	Belgium	n.a.	33	33	n.a.	n.a.	270	45/98	237
European plaice	VII f and g	United Kingdom	n.a.	3	3	n.a.	n.a.	250	45/98	247

(contines)

Species	Zone	Member State	Withheld quantities ⁽¹⁾	Catch in excess of permitted landings in 1997	Deductions ⁽²⁾	Weighted deductions (%); quantity ⁽³⁾	Additional deductions ⁽⁴⁾	1998 quota ⁽⁵⁾	Council Regulation (EC) No	Revised value of 1998 quota
Salmon	III b, c and d ⁽⁶⁾	Denmark	n.a.	491	491	n.a.	n.a.	83 347	45/98	82 856
Sole	North Sea	Belgium	150	n.a.	n.a.	n.a.	n.a.	1 590	45/98	1 740
Sole	North Sea	Germany	120	n.a.	n.a.	n.a.	n.a.	1 275	45/98	1 395
Sole	North Sea	Netherlands	1 355	n.a.	n.a.	n.a.	n.a.	14 365	45/98	15 720
Sole	VII a	Belgium	n.a.	7	7	n.a.	n.a.	445	45/98	438
Sole	VII e	United Kingdom	n.a.	19	19	n.a.	n.a.	395	45/98	376
Sprat	III b, c and d ⁽⁶⁾	Sweden	n.a.	4 840	4 840	n.a.	n.a.	89 310	45/98	84 470
Horse mackerel	VIII c and IX	Spain	2 313	n.a.	n.a.	n.a.	n.a.	39 270	45/98	41 583
Greenland halibut	NAFO 3LMNO	Spain	n.a.	89	89	n.a.	n.a.	7 398	62/98	7 309

n.a. Not applicable.

(1) Community waters.

(2) In accordance with Article 4(2) of Regulation (EC) No 847/96

(3) In accordance with Article 5(1) of Regulation (EC) No 847/96

(4) In accordance with Article 5(2) of Regulation (EC) No 847/96

(5) Due to relapse, in accordance with Article 5(2) of Regulation (EC) No 847/96

(6) As set by the Regulation expressed in the next column to the right

COMMISSION REGULATION (EC) No 1958/98

of 15 September 1998

amending Annexes I, II and III of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(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 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 1570/98 ⁽²⁾ and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas azaperone should be inserted into Annex I to Regulation (EEC) No 2377/90;

Whereas *urticae herba, tiliae flos, sambuci flos, salviae folium, rosmarini folium, quercus cortex, millefolii herba, melissae folium, matricariae flos* and butylscopolaminium bromide should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas, in order to allow for the completion of scientific studies, cyfluthrin should be inserted into Annex III to Regulation (EEC) No 2377/90;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾ to take account of the provisions of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ L 205, 22. 7. 1998, p. 10.

⁽³⁾ OJ L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 15 September 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

3. Agents acting on the nervous system
- 3.1. Agents acting on the central nervous system
- 3.1.1. Butyrophenone tranquillisers

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Azaperone	Sum of azaperone and azaperol	Porcine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg	Muscle Skin and fat Liver Kidney'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'Butylscopolaminium bromide	All food producing species	
<i>Matricariae flos</i>	All food producing species	
<i>Melissae folium</i>	All food producing species	
<i>Millefolii herba</i>	All food producing species	
<i>Quercus cortex</i>	All food producing species	
<i>Rosmarini folium</i>	All food producing species	
<i>Salviae folium</i>	All food producing species	
<i>Sambuci flos</i>	All food producing species	
<i>Tiliae flos</i>	All food producing species	
<i>Urticae herba</i>	All food producing species'	

C. Annex III to Regulation (EEC) No 2377/90 is amended as follows:

2. Antiparasitic agents

2.2. Agents acting against ectoparasites

2.2.3. Pyretrin and pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cyfluthrin	Cyfluthrin	Bovine	10 µg/kg 50 µg/kg 10 µg/kg 10 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk	Provisional MRLs expire on 1. 1. 2001 Further provisions in Council Directive 94/29/EC are to be observed'

COMMISSION REGULATION (EC) No 1959/98
of 15 September 1998

amending Regulation (EEC) No 388/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing a forecast supply balance

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 Article 2(6) thereof,

Whereas the quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows;

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance of cereal products to the FOD for 1998 was established by Commission Regulation (EEC) No 388/92 ⁽³⁾, as last amended by Regulation (EC) No 2521/97 ⁽⁴⁾; whereas to meet the needs of this region, amendments must be made to this forecast supply

balance; whereas, subsequently, Regulation (EEC) No 388/92 should be amended;

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 Annex to Regulation (EEC) No 388/92 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 15 September 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 16.

⁽⁴⁾ OJ L 346, 17. 12. 1997, p. 42.

ANNEX

ANNEX

Cereals supply balance for the French overseas departments (1998)

(tonnes)

Cereals originating in third countries (ACP/developing countries) or EC	Common wheat	Durum wheat	Barley	Maize	Durum wheat meal and groats	Malt
Guadeloupe	60 000	—	—	16 000	—	100
Martinique	1 500	—	—	22 000	1 000	500
French Guiana	200	—	300	1 500	—	—
Réunion	28 000	—	24 000	100 000	—	3 000
Total	89 700	—	24 300	139 500	1 000	3 600
Total	258 100'					

COMMISSION REGULATION (EC) No 1960/98
of 15 September 1998

**amending Regulation (EC) No 3175/94 laying down detailed rules of application
for the specific arrangements for the supply of cereal products to the smaller
Aegean islands and establishing the forecast supply balance**

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

Having regard to Council Regulation (EEC) No 2019/93
of 19 July 1993 introducing specific measures for the
smaller Aegean islands concerning certain agricultural
products ⁽¹⁾, as last amended by Commission Regulation
(EC) No 2417/95 ⁽²⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2958/93 ⁽³⁾,
as last amended by Regulation (EC) No 1802/95 ⁽⁴⁾, lays
down common detailed rules for the implementation of
the specific arrangements for the supply of certain agri-
cultural products to the smaller Aegean islands;

Whereas, pursuant to Article 2 of Regulation (EEC) No
2019/93, the forecast supply balance of cereal products
was established for 1998 by Commission Regulation (EC)
No 3175/94 ⁽⁵⁾, as last amended by Regulation (EC) No
2498/97 ⁽⁶⁾; whereas, to meet the needs of this region,
amendments must be made to this forecast supply

balance; whereas subsequently, Regulation (EC) No
3175/94 should be amended;

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 Annex to Regulation (EC) No 3175/94 is hereby
replaced by the Annex to the present Regulation.

Article 2

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 15 September 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ L 248, 14. 10. 1995, p. 39.

⁽³⁾ OJ L 267, 28. 10. 1993, p. 4.

⁽⁴⁾ OJ L 174, 26. 7. 1995, p. 27.

⁽⁵⁾ OJ L 335, 23. 12. 1994, p. 54.

⁽⁶⁾ OJ L 345, 16. 12. 1997, p. 13.

ANNEX

ANNEX

Supply balance for cereals for the smaller Aegean islands for 1998

(in tonnes)

Quantity		1998	
Cereal products originating in the European Communities	CN code	Islands belonging to group A	Islands belonging to group B
Grain cereals	1001, 1002, 1003, 1004 and 1005	8 000	50 000
Barley originating in Limnos	1003	5 000	
Wheat flour	1101 and 1102	11 000	40 000
Food industry residues and waste	2302 to 2308	5 000	35 000
Preparations of a kind used in animal feeding	2309 90	2 500	18 000
Total		26 500	143 000
Grand Total		174 500	

These groups are defined in Annexes I and II to Regulation (EEC) No 2958/93.

COMMISSION REGULATION (EC) No 1961/98

of 15 September 1998

fixing the rates of the refunds applicable to eggs and egg yolks 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 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of 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 ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, 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 the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance 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 a

period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

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

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 in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1998.

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

Done at Brussels, 15 September 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

ANNEX

to the Commission Regulation of 15 September 1998 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU / 100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	16,00
		03	14,00
		04	8,00
	b) On exportation of other goods	01	8,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	58,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	27,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	27,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	43,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	11,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1962/98
of 15 September 1998
fixing the export refunds on eggs

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit

Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1998.

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

Done at Brussels, 15 September 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

ANNEX

to the Commission Regulation of 15 September 1998 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 9000	02	3,30
0407 00 19 9000	02	1,50
		ECU/100 kg
0407 00 30 9000	03	16,00
	04	8,00
	05	14,00
0408 11 80 9100	01	58,00
0408 19 81 9100	01	27,00
0408 19 89 9100	01	27,00
0408 91 80 9100	01	43,00
0408 99 80 9100	01	11,00

(1) The destinations are as follows:

- 01 All destinations except Switzerland,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia,
- 04 All destinations except Switzerland and those of 03 and 05,
- 05 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1963/98
of 15 September 1998

fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2916/95, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 1515/98 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes additional import duties in the poultrymeat and egg sectors and for egg albumin;

Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices and additional duties for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published;

Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 September 1998.

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

Done at Brussels, 15 September 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ L 305, 19. 12. 1995, p. 49.

⁽⁵⁾ OJ L 282, 1. 11. 1975, p. 104.

⁽⁶⁾ OJ L 145, 29. 6. 1995, p. 47.

⁽⁷⁾ OJ L 200, 16. 7. 1998, p. 24.

ANNEX

'ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	232,7	20	01
		225,2	22	02
		273,3	8	03
		282,4	5	04
1602 32 11	Preparations uncooked of the species <i>gallus domesticus</i>	246,3	12	01
		236,1	15	02

(¹) Origin of imports:

01 Brazil

02 Thailand

03 Chile

04 Argentina.

COMMISSION REGULATION (EC) No 1964/98
of 15 September 1998
fixing the import duties in the cereals sector

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

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

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

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question; however, that duty may not exceed the rate of duty in the Common Customs Tariff;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 September 1998.

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

Done at Brussels, 15 September 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

Import duties for the products covered by 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 ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	37,83	27,83
1001 90 91	Common wheat seed	61,24	51,24
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	61,24	51,24
	medium quality	89,30	79,30
	low quality	102,61	92,61
1002 00 00	Rye	106,98	96,98
1003 00 10	Barley, seed	106,98	96,98
1003 00 90	Barley, other ⁽³⁾	106,98	96,98
1005 10 90	Maize seed other than hybrid	111,70	107,67
1005 90 00	Maize other than seed ⁽³⁾	111,70	107,67
1007 00 90	Grain sorghum other than hybrids for sowing	111,70	107,83

⁽¹⁾ 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.

⁽²⁾ 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.

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

ANNEX II

Factors for calculating duties

(period from 31 August 1998 to 14 September 1998)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	103,08	90,69	83,33	71,45	137,33 (!)	68,18 (!)
Gulf premium (ECU/tonne)	—	3,97	-1,97	5,69	—	—
Great Lakes premium (ECU/tonne)	10,84	—	—	—	—	—

(!) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,78 per tonne; Great Lakes — Rotterdam: ECU 19,58 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 November 1997

on aid which Belgium (Wallonia) plans to grant in the form of a premium for growing winter rape for non-food purposes

(notified under document number C(1997) 3697)

(Only the French and Dutch texts are authentic)

(Text with EEA relevance)

(98/541/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1581/96 ⁽²⁾, and in particular Article 33 thereof,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽³⁾, as last amended by Regulation (EC) No 1422/97 ⁽⁴⁾,

Having, in accordance with the first subparagraph of Article 93(2) of the Treaty, given notice to the parties concerned to submit their comments,

Whereas:

I

By letter of 5 December 1994, recorded as received on 7 December 1994, the Belgian Permanent Representation notified the Commission, in accordance with Article 93(3)

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 181, 1. 7. 1992, p. 12.

⁽⁴⁾ OJ L 196, 24. 7. 1997, p. 18.

of the Treaty, of the proposed aid measure referred to above.

By letter SG(95) D/3326 of 20 March 1995, the Commission initiated against the abovementioned draft scheme the procedure provided for in Article 93(2) of the Treaty and gave notice to the Belgian Government to submit its comments and, in a communication published in the *Official Journal of the European Communities* ⁽⁵⁾, gave notice to the other Member States and other interested parties to submit their comments.

No comments were submitted by the Belgian authorities or by any interested parties.

In the absence of any comments, in particular by the Belgian authorities, the doubts as to whether the scheme is compatible with the Treaty remain, for the reasons set out below.

II

The scheme against which the Commission initiated the procedure provided for in Article 93(2) of the Treaty consists of a premium for the production of winter rape for non-food purposes. The premium is worth BEF 2 000 (about ECU 50) per hectare of winter rape grown for

⁽⁵⁾ OJ C 142, 14. 5. 1996, p. 4.

non-food purposes on fallow land receiving aid under a set-aside scheme in accordance with Community and national legislation.

The premium is payable in respect of one hectare or more, up to a limit of 20 hectares per farmer. The recipient must:

- conclude a cultivation contract in accordance with Commission Regulation (EEC) No 334/93⁽¹⁾, as last amended by Regulation (EC) No 2991/95⁽²⁾, laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption,
- comply with the methods of production (use of fertilisers and plant-protection products) described in detail in the 'Environment Charter' for winter rape grown for non-food purposes.

III

In its letter of formal notice the Commission took account of the following:

The Belgian authorities state that the purpose of the scheme is to find new outlets and diversify farm production. They also claim that the measure is designed to further environmental protection by adjusting production methods in accordance with the Environment Charter.

After scrutinising the draft scheme the Commission has concluded that, since it is payable per surface area unit, the aid has no lasting effect on the development of the sector and is therefore to be regarded as operating aid incompatible with the common market. The Commission's confirmed view is that a direct effect of this scheme is to improve the possibilities of production and disposal of the products by the operators concerned compared with other operators (in Belgium or in other Member States) who do not receive aid of a comparable nature.

The national aid is awarded in order to encourage the production of a crop that is governed by the rules of a common organisation of the market. According to consistent case-law of the Court of Justice of the European Communities, those rules are to be regarded as a complete and exhaustive system that precludes Member States from introducing measures that derogate from them or bring them into question. The aid does not, therefore, qualify for any of the exemptions provided for in Article 92(3) of the Treaty.

On the point that the aid is to be granted in the context of the Community provisions of the common agricultural policy, it should be noted that neither Regulation (EEC)

No 1765/92 nor Regulation (EEC) No 334/93 allow Member States to grant aid in addition to the Community compensation for set-aside land used for growing products for non-food purposes.

Since the aid is granted for crops grown on land governed by the system provided for in Regulation (EEC) No 1765/92, it is contrary to the provisions of that Regulation, under which an intervention system is to stabilise agricultural markets in the context of the common organisation concerned (see Article 13 of Regulation (EEC) No 1765/92).

Accordingly, any intervention by the State in the field governed by Regulation (EEC) No 1765/92 would be tantamount to State interference in a 'complete and exhaustive system' which, the Court of Justice has repeatedly confirmed, falls solely within the competence of the Community.

Regarding the intention of the Belgian authorities to improve environmental protection the Commission would point out that Article 7(3) of Regulation (EEC) No 1765/92 applies to land set aside. Under that provision, Member States are to apply to the land in question environmental safeguard measures that take into account the characteristics of the land taken out of production. The application of production methods that are compatible with environmental protection requirements are thus to be regarded as the fulfilment of an obligation that is already applicable under Community legislation.

Moreover, in the case of set-aside land used for growing products for non-food purposes, Article 10 of Council Regulation (EEC) No 2078/92⁽³⁾, as last amended by Commission Regulation (EC) No 2772/95⁽⁴⁾, precludes the implementation of national aid measures in addition to those provided for in the Regulation (which themselves may not be granted for environmental programmes for growing products for non-food purposes on land set aside).

The proposed national scheme should therefore be regarded as incompatible with Article 10 of Regulation (EEC) No 2078/92.

IV

By virtue of Article 33 of Regulation No 136/66/EEC, Articles 92, 93 and 94 of the Treaty are, subject to any provisions of that Regulation to the contrary, applicable to the production and marketing of the products referred to in Article 1.

⁽¹⁾ OJ L 38, 16. 2. 1993, p. 12.

⁽²⁾ OJ L 312, 23. 12. 1995, p. 9.

⁽³⁾ OJ L 215, 30. 7. 1992, p. 85.

⁽⁴⁾ OJ L 288, 1. 12. 1995, p. 35.

They accordingly apply also to winter rape.

Pursuant Article 92(1) of the Treaty any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market.

The measures in question constitute aid granted within the meaning of Article 92(1) of the Treaty.

They improve the economic situation of recipient undertakings in relation to competitors who do not receive such assistance. Accordingly, they distort or threaten to distort competition in the manner referred to above.

Taking into account, on the one hand, the volume of rape trade (1995: exports from Belgium (including Luxembourg) to the other Member States: ECU 7,81 million; imports into Belgium (including Luxembourg) from the other Member States: ECU 71,37 millions ⁽¹⁾) and, on the other hand, Belgium's production (18 900 tonnes) compared with that of the other Member States (8,05 million tonnes) ⁽²⁾, the aid is likely to affect trade between Member States since it favours domestic production at the expense of imports from the other Member States.

In this connection it should be emphasised that even aid that is relatively small, or the relatively modest size of the recipient undertaking does not *a priori* rule out the possibility of trade between Member States being affected.

In the light of the above the aid in question is State aid that fulfils the criteria under Article 92(1) of the Treaty.

There are, however, exceptions to the principle of incompatibility set out in Article 92(1) of the Treaty.

V

The Article 92(2) exceptions to that incompatibility evidently do not apply in this case, nor have they been invoked by the Belgian authorities.

A strict interpretation must be applied to the exceptions provided for in Article 92(3) of the Treaty when scrutinising any regional or sectoral scheme or any individual case in which a general aid scheme is being applied.

⁽¹⁾ Comext 2.
⁽²⁾ Eurostat.

In particular, an exception is allowed only where the Commission is able to establish that the aid is necessary to achieve one of the objectives concerned. To grant the benefit of such derogations to aid which is not necessary for that purpose would be tantamount to allowing adverse effects on trade between Member States and distortions of competition that are without justification in terms of the Community interest and, by the same token, to allowing operators from certain Member States to enjoy unwarranted advantages.

In the case at hand the scheme does not contribute to attaining the objective in question. The Belgian Government has not provided, nor has the Commission found, any justification to the effect that the scheme fulfils the requirements for applying one of the exceptions provided for in Article 92(3).

It is not a scheme intended to promote the execution of an important project of common European interest within the meaning of Article 92(3)(b) since, by virtue of its possible impact on trade, the scheme is contrary to the common interest.

Nor is it, within the meaning of that provision, intended to remedy a serious disturbance in the economy of the Member State concerned.

Nor has the scheme been notified as a regional aid pursuant to Article 92(3)(a) of the Treaty.

The Commission may regard aid intended to facilitate the development of certain economic activities or of certain economic regions as compatible with the common market pursuant to Article 92(3)(c) of the Treaty if the aid:

- does not adversely affect trading conditions to an extent contrary to the common interest
- and
- facilitates the development of certain economic activities or certain regions by promoting the disposal of production that is specific to them.

By definition, being aid of the type described in Article 92(1), it distorts or threatens to distort competition but, by virtue of Article 92(3)(c), it is automatically incompatible only if it does so in a manner that is contrary to the common interest.

In view of the infringements noted in III, granting the aid in question does not in any way serve the common interest.

Consequently the Commission notes that the measure does not qualify for the exemptions provided for in Article 92(3)(a) and (c) in the case of aid designed to promote or facilitate the economic development of regions or of certain activities referred to at (c).

The aid cannot, therefore, qualify for any of the exemptions provided for in Article 92 of the Treaty and is therefore to be regarded as incompatible with the common market. It may not, therefore, be granted,

HAS ADOPTED THIS DECISION:

Article 1

The aid provided for in Article 2 of the draft Order of the Government of the Region of Wallonia on the granting of a premium for growing winter rape for non-food purposes

is incompatible with the common market pursuant to 92 of the EC Treaty and may not be granted.

Article 2

The Belgian Government shall, within two months of being notified of this Decision, inform the Commission of the measures it has taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 18 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 4 September 1998

on a common technical regulation for telephony application requirements for public pan-European cellular digital land-based mobile communications, phase II (edition 2)*(notified under document number C(1998) 2561)*

(Text with EEA relevance)

(98/542/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to European Parliament and Council Directive 98/13/EC of 12 February 1998 regarding telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity⁽¹⁾, and in particular Article 7(2), second indent, thereof,

1. This Decision shall apply to terminal equipment intended to be connected to a public telecommunications network and falling within the scope of the harmonised standard referred to in Article 2(1).

Whereas the Commission has adopted the measures identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement according to Article 7(2), first indent;

2. This Decision establishes a common technical regulation covering the telephony application requirements for terminal equipment for the pan-European cellular digital land-based mobile telecommunications network comprising constant envelope modulation and operating in the 900 MHz band with a channel separation of 200 kHz and carrying traffic channels according to the TDMA principle.

Whereas the corresponding harmonised standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Article 2

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 96/629/EC⁽²⁾;

1. The common technical regulation shall include the harmonised standard prepared by the relevant standardisation body implementing to the extent applicable the essential requirements referred to in Article 5(g) of Directive 98/13/EC. The reference to the standard is set out in Annex I. The applicable parts are contained in Annex II.

Whereas Decision 96/629/EC should be repealed with effect from the end of the transitional period;

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 5(a) and (b) of Directive 98/13/EC, and shall meet the requirements of any other applicable Directives in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Whereas Decision 97/527/EC⁽³⁾ should be repealed on 24 October 1998;

Whereas the proposal has been submitted to the Committee (ACTA), according to Article 29(2);

Article 3

Whereas the common technical regulation to be adopted in this Decision is in accordance with the opinion of ACTE,

Notified bodies designated for carrying out the procedures referred to in Article 10 of Directive 98/13/EC, shall, as regards terminal equipment covered by Article 1(1) of

⁽¹⁾ OJ L 74, 12. 3. 1998, p. 1.

⁽²⁾ OJ L 282, 1. 11. 1996, p. 75.

⁽³⁾ OJ L 215, 7. 8. 1997, p. 57.

⁽⁴⁾ OJ L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ L 139, 23. 5. 1989, p. 19.

this Decision, use or ensure the use of the applicable parts of the harmonised standard referred to in Article 2(1) after the coming into force of this Decision.

Article 4

1. Decision 96/629/EC shall be repealed with effect from 4 December 1998.
2. Terminal equipment, approved under Decision 96/629/EC may continue to be placed on the market and put into service.

3. Decision 97/527/EC shall be repealed with effect from 24 October 1998.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 September 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX I***Reference to the harmonised standard applicable**

The harmonised standard referred to in Article 2 of the Decision is:

European digital cellular telecommunications systems (phase 2); Attachment requirements for global system for mobile communications (GSM) mobile stations; Telephony

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 20 edition 3 February 1998

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonised standard referred to above has been produced according to a mandate issued in accordance with the relevant procedures of Directive 83/189/EEC.

The full text of the harmonised standard referred to above can be obtained from:

European Telecommunications Standards Institute
650, route des Lucioles
F-06921 Sophia Antipolis Cedex

European Commission
DG XIII/A/2 — (BU 31, 1/7)
Rue de la Loi/Wetstraat 200
B-1049 Brussels

or from any other organisation responsible for making ETSI standards available, of which a list can be found on the Internet at www.ispo.ccc.be.

⁽¹⁾ OJ L 109, 26. 4. 1983, p. 8.

*ANNEX II***Applicable parts of TBR 20**

TBR 20 requirement	TBR 20 requirement	TBR 20 requirement	TBR 20 requirement	TBR 20 requirement	TBR 20 requirement
14.4.3	30.1	30.2	30.3	30.4	30.5.1
30.6.2	30.7.1	32.2	32.3	32.4	32.7
32.8	32.9				

COMMISSION DECISION

of 4 September 1998

on a common technical regulation for the telephony application requirements for mobile stations intended to be used with phase II public digital cellular telecommunications networks operating in the DCS 1800 band (edition 2)

(notified under document number C(1998) 2562)

(Text with EEA relevance)

(98/543/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to European Parliament and Council Directive 98/13/EC of 12 February 1998 regarding telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity⁽¹⁾, and in particular Article 7(2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required as well as the associated scope statement according to Article 7(2), first indent;

Whereas the corresponding harmonised standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 97/529/EC⁽²⁾;

Whereas Decision 97/529/EC should be repealed with effect from the end of the transitional period;

Whereas the proposal has been submitted to the Committee (ACTE), according to Article 29(2);

Whereas the common technical regulation to be adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment intended to be connected to a public telecommunications

network and falling within the scope of the harmonised standard referred to in Article 2(1).

2. This Decision establishes a common technical regulation covering the telephony application requirements for terminal equipment for the pan-European cellular digital land-based mobile telecommunications network comprising constant envelope modulation and operating in the 1800 MHz band with a channel separation of 200 kHz and carrying traffic channels according to the TDMA principle. The Decision shall also apply to terminal equipment capable of operation in both 900 and 1800 MHz bands.

Article 2

1. The common technical regulation shall include the harmonised standard prepared by the relevant standardisation body implementing to the extent applicable the essential requirements referred to in Article 5(g) of Directive 98/13/EC. The reference to the standard is set out in Annex I. The applicable parts are contained in Annex II.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 5(a) and (b) of Directive 98/13/EC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽³⁾ and 89/336/EEC⁽⁴⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 10 of Directive 98/13/EC shall, as regards terminal equipment covered by Article 1(1) of this Decision, use or ensure the use of the applicable parts of the harmonised standard referred to in Article 2(1) after the coming into force of this Decision.

⁽¹⁾ OJ L 74, 12. 3. 1998, p. 1.

⁽²⁾ OJ L 215, 7. 8. 1997, p. 65.

⁽³⁾ OJ L 77, 26. 3. 1973, p. 29.

⁽⁴⁾ OJ L 139, 23. 5. 1989, p. 19.

Article 4

1. Decision 97/529/EC shall be repealed with effect from 4 December 1998.
2. Terminal equipment, approved under Decision 97/529/EC may continue to be placed on the market and put into service.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 September 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

*ANNEX I***Reference to the harmonised standard applicable**

The harmonised standard referred to in Article 2 of the Decision is:
Digital cellular telecommunications system (phase 2); Telephony applications; attachment requirements for mobile stations in the DCS 1 800 band and additional GSM 900 band

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 32 edition 2: March 1998

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonised standard referred to above has been produced according to a mandate issued in accordance with the relevant procedures of Directive 83/189/EEC.

The full text of the harmonised standard referred to above can be obtained from:

European Telecommunications Standards Institute
650, route des Lucioles
F-06921 Sophia Antipolis Cedex

European Commission
DG XIII/A/2 — (BU 31, 1/7)
Rue de la Loi/Wetstraat 200
B-1049 Brussels

or from any other organisation responsible for making ETSI standards available, of which a list can be found on the Internet at www.ispo.cec.be.

⁽¹⁾ OJ L 109, 26. 4. 1983, p. 8.

*ANNEX II***Applicable parts of TBR 32**

TBR 32 requirement	TBR 32 requirement	TBR 32 requirement	TBR 32 requirement	TBR 32 requirement	TBR 32 requirement
14.4.3	30.1	30.2	30.3	30.4	30.5.1
30.6.2	30.7.1	32.2	32.3	32.4	32.7
32.8	32.9				

CORRIGENDA

Corrigendum to the Agreement in the form of an Exchange of Letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168(2)(a)(ii)

(Official Journal of the European Communities L 287 of 21 October 1997)

On page 45, in the Annex, '14. PROCESSED FRUIT AND VEGETABLE PRODUCTS':

The 16 % reduction in 'third country' customs duties for products falling under CN codes 2005 20 20 and 2005 20 80 is eliminated.

On page 46, '17. CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS':

Insert CN code 2004 10 91 after CN code 2001 90 40.
