

English edition

Legislation

Contents

I Acts whose publication is obligatory

- * Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' 1**
- Commission Regulation (EC) No 2180/98 of 9 October 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables 14
- * Commission Regulation (EC) No 2181/98 of 9 October 1998 setting the agricultural conversion rates applicable to certain aids in the United Kingdom and Sweden and the resulting maximum amounts of compensatory aid 16**
- * Commission Regulation (EC) No 2182/98 of 9 October 1998 amending Regulation (EEC) No 1848/93 laying down detailed rules for the application of Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs 18**
- * Commission Regulation (EC) No 2183/98 of 9 October 1998 fixing the intervention thresholds for oranges, satsumas, mandarins and clementines for the 1998/99 marketing year 19**
- * Commission Regulation (EC) No 2184/98 of 9 October 1998 amending Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products 21**
- * Commission Regulation (EC) No 2185/98 of 9 October 1998 opening the procedure for the allocation of export licences for cheeses to be exported in 1999 to the United States of America under certain quotas resulting from the GATT Agreements 23**
- * Commission Regulation (EC) No 2186/98 of 9 October 1998 providing for a temporary derogation from Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products 28**

* Commission Regulation (EC) No 2187/98 of 9 October 1998 amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil by intervention agencies	29
Commission Regulation (EC) No 2188/98 of 9 October 1998 amending Regulation (EC) No 1760/98 increasing to 600 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened	30
Commission Regulation (EC) No 2189/98 of 9 October 1998 opening a standing invitation to tender for the export of barley held by the Spanish intervention agency	32
Commission Regulation (EC) No 2190/98 of 9 October 1998 fixing the agricultural conversion rates	37
Commission Regulation (EC) No 2191/98 of 9 October 1998 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	39

II *Acts whose publication is not obligatory*

Commission

Administrative Commission of the European Communities on Social Security for Migrant Workers

98/565/EC:

* Decision No 170 of 11 June 1998 amending Decision No 141 of 17 October 1989, concerning the compilation of the lists provided for in Articles 94(4) and 95(4) of Council Regulation (EEC) No 574/72 of 21 March 1972 (1)	40
---	----

Corrigenda

* Corrigendum to Commission Directive 98/64/EC of 3 September 1998 establishing Community methods of analysis for the determination of amino-acids, crude oils and fats, and olaquinox in feedingstuffs and amending Directive 71/393/EEC (OJ L 257 of 19. 9. 1998)	46
* Corrigendum to Council Decision 98/545/EC, Euratom of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002 (OJ L 257 of 19. 9. 1998)	46

(1) Text with EEA relevance

I

(Acts whose publication is obligatory)

**DECISION No 2179/98/EC OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 24 September 1998

**on the review of the European Community programme of policy and action in
relation to the environment and sustainable development 'Towards sustainability'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular the first subparagraph of
Article 130s(3) thereof,

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

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Having regard to the opinion of the Committee of the
Regions ⁽³⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽⁴⁾, in the light of the joint text
approved by the Conciliation Committee on 29 June
1998,

- (1) Whereas on 18 March 1992 the Commission adopted the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' (hereinafter referred to as 'the Programme');
- (2) Whereas the European Parliament, in its resolution of 17 November 1992 ⁽⁵⁾, welcomed the guidelines set out in the Programme;
- (3) Whereas the Economic and Social Committee, in its opinion of 1 July 1992, approved the concepts and the thrust of the Programme;
- (4) Whereas the Council and the representatives of the Governments of the Member States, meeting within the Council, in their resolution of 1

February 1993 ⁽⁶⁾, approved the general approach and strategy of the Programme;

- (5) Whereas, while many of the measures and actions in the Programme are set within a time-frame which extends to the year 2000, the Programme provides for a review to be undertaken before the end of 1995;
- (6) Whereas a number of developments with a bearing on sustainable development have occurred since the adoption of the Programme, in particular the adoption of Agenda 21 on the outcome of the United Nations Conference on Environment and Development, and the adoption by the Commission of a White Paper on growth, competitiveness and employment;
- (7) Whereas the review should also reflect the commitments entered into and the conclusions adopted as part of various international processes;
- (8) Whereas one of the objectives of Community policy on the environment, under Article 130r of the Treaty, is the protection of human health;
- (9) Whereas the enlargement of the European Union to include the three new Member States, Austria, Finland and Sweden, poses new environmental challenges to the Union; whereas the Community has committed itself to reviewing certain provisions of its legislation in the environmental field by the end of the transitional period in accordance with the Act concerning the conditions of accession of Austria, Finland and Sweden, in the light of the stricter standards that can be maintained in the new Member States in accordance with the Treaty, and emphasising the great importance of promoting a high level of health, safety and environmental protection as part of Community action;

⁽¹⁾ OJ C 140, 11. 5. 1996, p. 5, and OJ C 28, 29. 1. 1997, p. 18.

⁽²⁾ OJ C 212, 22. 7. 1996, p. 1.

⁽³⁾ OJ C 34, 3. 2. 1997, p. 12.

⁽⁴⁾ Opinion of the European Parliament of 13 November 1996 (OJ C 362, 2. 12. 1996, p. 112), Council common position of 17 April 1997 (OJ C 157, 24. 5. 1997, p. 12) and Decision of the European Parliament of 17 July 1997 (OJ C 286, 22. 9. 1997, p. 208). Decision of the European Parliament of 15 July 1998 (OJ C 292, 21. 9. 1998) and Decision of the Council of 20 July 1998.

⁽⁵⁾ OJ C 337, 21. 12. 1992, p. 34.

⁽⁶⁾ OJ C 138, 17. 5. 1993, p. 1.

- (10) Whereas extensive consultation has taken place in the review process carried out by the Commission to compile information on progress to date and obstacles to the implementation of the Programme;
- (11) Whereas on 10 November 1995 the European Environment Agency presented an updated state of the environment report as a contribution to the review process which made it clear that, without additional measures, the 1992 aims for the year 2000 will not be attained in certain sectors;
- (12) Whereas in January 1996 the Commission presented a progress report on the implementation of the Programme;
- (13) Whereas the overall strategy, objectives and indicative actions of the original Programme remain valid and the Programme constitutes an appropriate point of departure for the implementation of Agenda 21 by the Community and the Member States;
- (14) Whereas the basic strategy of the Programme is to achieve full integration of environmental and other relevant policies through the active participation of the main actors in society in a broadening and deepening of the range of instruments to achieve behavioural change;
- (15) Whereas the conclusions of the progress report show that progress has been made on a number of issues, but that a great deal remains to be done to move towards sustainability;
- (16) Whereas the progress report identifies key priorities needed to ensure that the process of sustainable development is given greater impetus; whereas the Community should step up its efforts on five key priorities and five other issues to support the implementation of the Programme;
- (17) Whereas the objectives, targets, actions and time-frames indicated in the Programme constitute a useful start in moving towards sustainable development; whereas action needs to be stepped up to ensure that the priorities set out in the programme are put into practice in a more effective way; whereas sustainability of activity and development will not be attained during the life-span of this programme and, consequently, further and still more progressive priority objectives and measures will be necessary beyond the year 2000 to maintain the momentum of Community action;
- (18) Whereas, in implementing its general action programme, the Community will act within the limits of its powers; whereas, in their resolution dated 1 February 1993, the Council and the representatives of the Governments of the Member States invited the Commission to come forward with appropriate proposals to give effect to the programme in so far as it pertains to action at Community level;
- (19) Whereas this Decision is without prejudice to the legal basis for the measures which, while complying with the objectives of the actions provided for in this Decision, are adopted in the framework of environmental policy and of other Community policies;
- (20) Whereas the further integration of environmental protection requirements into other policy areas is regarded as a key means of achieving sustainable development; whereas, in the process of implementing the approach set out in the Programme, the need to integrate environmental considerations into Community policy and action should be translated into more operational terms; whereas, to this end, in relation to the target sectors of agriculture, transport, energy, industry and tourism a number of priorities have been identified in connection with which action can be carried out most effectively at Community level;
- (21) Whereas broadening the range of instruments has proved more difficult than envisaged; whereas the development and implementation of other instruments to complement legislation is necessary to bring about substantial changes towards sustainable development in current trends and practices, taking account of the subsidiarity principle; whereas this requires the further development at an appropriate level of effective market-based and other economic instruments and of horizontal instruments, and the improved use of the Community's own financial support mechanisms as a means of promoting sustainable development; whereas the Commission has put forward proposals for reform of the common agricultural policy which envisage, in particular, increased financial incentives for agricultural measures and the possibility for Member States to take appropriate steps to ensure compliance with the environmental provisions of the common market organisations;
- (22) Whereas it is necessary to ensure better implementation and enforcement of environmental measures, which requires action at all levels of the regulatory chain;
- (23) Whereas communication, information, education and training are crucial as a means of stimulating environmental awareness and promoting behavioural changes in all sections of society;
- (24) Whereas the Community has an important role to play in international action on the environment and sustainable development; whereas there is a need to respond to international challenges, in particular the potential accession of the associated countries of central and eastern Europe and of Cyprus, the need to increase cooperation with the

Mediterranean countries and the countries of the Baltic Sea region, the need to carry on the process initiated by the United Nations Conference on Environment and Development and discussions on trade and the environment;

- (25) Whereas further efforts are necessary to improve the basis for environmental policy in the form of reliable and comparable data, statistics and indicators and methods of assessing the costs and benefits of action or lack of action;
- (26) Whereas it is necessary further to develop approaches to promote sustainable patterns of production and consumption; whereas it is necessary to promote the best use of new techniques and technologies;
- (27) Whereas it is necessary further to develop the concept of shared responsibility, in particular by strengthening dialogue with the actors concerned and their involvement in the preparation of Community policies and actions;
- (28) Whereas there is potential for Community support to provide more coherent and coordinated approaches in relation to activities at local and regional levels on issues fundamental to the achievement of sustainable development and to stimulate exchanges of information and experience;
- (29) Whereas the Community will further develop its policies in relation to the environmental themes covered by the Programme on the basis of high standards of environmental protection; whereas specific attention will be given to those actions which can be carried out most effectively at Community level,

HAVE DECIDED AS FOLLOWS:

Article 1

The Community confirms its commitment to the general approach and strategy of the Programme 'Towards Sustainability' adopted by the Commission on 18 March 1992, welcomed in the resolution of the European Parliament of 17 November 1992 and approved by the resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993. Community institutions, Member States, enterprises and citizens are encouraged to accept their respective responsibilities to play their full part in the continuing implementation of the Programme and to seek to speed up the process.

In order to speed up the achievement of the Programme's objectives and to ensure the more efficient implementation of its approach, taking into account the Commission's progress report on the implementation of the Programme as well as the updated state of the environment report presented by the European Environment

Agency, the Community will, while aiming at a high level of protection and taking into account the diversity of situations in the various regions of the Community, step up its efforts on five key priorities and five other issues as being those which will give an additional impetus to the implementation of the Programme.

Notwithstanding these specific priorities, the Community will actively pursue all other action initiated under the Programme.

In implementing the Programme, the Community will act within the limits of its powers. This Decision shall be without prejudice to the legal basis for the measures which, while complying with the objectives of the actions provided for by this Decision, are adopted in the framework of environmental policy and of other Community policies.

At the end of the Programme, the Commission will submit to the European Parliament and the Council a global assessment of the implementation of the Programme, giving special attention to any revision and updating of objectives and priorities which may be required, and accompanied, where appropriate, by proposals for the priority objectives and measures that will be necessary beyond the year 2000.

SECTION 1

KEY PRIORITIES

Article 2

Integration of environmental requirements into other policies

The Community will develop improved and more consistent approaches to the integration of environmental protection requirements into other policy areas, with a view to facilitating the process of moving towards sustainable development.

To this end, in relation to the sectors targeted under the Programme the Community will focus on the following priorities in connection with which action can be carried out most effectively at Community level.

1. In relation to agriculture, the priority objectives of the Community shall be:

- (a) better to integrate market, rural development and environmental policies with a view to securing sustainable agriculture, notably in the framework of the reform process launched by the Commission's Agenda 2000 proposals, by:

— integrating environmental considerations into agricultural policy-making and taking appropriate steps to ensure that specific environmental objectives are achieved pursuant to the process of the reform of the common agricultural policy,

— considering the scope for the incorporation of additional environmental considerations into agricultural policies.

All measures should include appropriate monitoring, reporting and evaluation obligations;

- (b) to provide for regular reporting and the generation of comparable data on the pressures and effects on the environment, including biodiversity, of agricultural practices, such as fertiliser and pesticide use, and data on water quality and use and land use;
- (c) to promote sustainable farming, including integrated farm technologies, organic agriculture and, where appropriate, extensive production methods (which, for example, respect biodiversity) in close cooperation with the actors concerned. The Community will continue to encourage the development of local initiatives and disseminate information on them;
- (d) further to develop an integrated strategy to reduce the risks to health and the environment from the use of plant protection products and pesticides, including more detailed provisions on the distribution and sales of these substances and restrictions on use and, where appropriate, substitution of the most dangerous plant protection products and pesticides;
- (e) further to develop comprehensive approaches to rural development, taking account of environmental considerations, including the conservation of biological diversity, for example by monitoring and coordinating the various policy instruments concerned;
- (f) to consider measures for internalising environmental costs in the cost of agricultural products and production processes.

The Community will promote better coordination and coherence of actions and policies affecting forests, with a view to facilitating their management (including afforestation and protection from forest fires), conservation and sustainable development and responding to international developments concerning forests.

2. In relation to transport, the priority objectives of the Community shall be:

- (a) further to tighten provisions on emissions and noise from road and off-road vehicles and, taking due account of developments in the relevant international forums, from aircraft, as well as on fuel quality, to develop action to reduce CO₂ emissions from road vehicles, notably by promoting the use of fuel-efficient vehicles and low-emission technologies, and to strengthen Community provisions on vehicle inspection and maintenance;
- (b) to give greater attention to the factors determining transport demand, while taking account of the diversity of situations in the various regions of the Community, by:
 - developing and promoting measures to achieve better internalisation of external costs in transport prices, in particular for less environmentally-friendly modes of transport, as a prerequisite for influencing user choices in order to arrive at a more sustainable level of transport demand,
 - promoting a more integrated transport policy, including improvements in the economic efficiency of the transport sector and improvements in environmental, safety and accessibility aspects, *inter alia* by promoting better integration of land-use and transport planning and promoting demand-management measures, such as the use of telematics;
- (c) to pursue its aims of reducing the imbalances between the different transport modes and encouraging the more environmentally friendly modes of transport, in particular by:
 - developing potential methods of analysis with a view to strategic evaluation of the environmental impact of the trans-European transport network as well as potential methods of corridor analysis covering all relevant transport modes, taking account of the need to link all Member States and regions to the trans-European transport network and, in particular, the need to link island, landlocked and peripheral regions with the central regions of the Community,
 - investigating possibilities for the use of Community funding to promote a better balance between transport modes by facilitating transport intermodality and appropriate modal shifts,
 - developing a framework for solving the environmental problems caused by heavy goods vehicle traffic,

— promoting the use of more environmentally friendly modes of transport, for example by encouraging public and/or collective transport and low-emission vehicles.

3. In relation to energy, the priority objectives of the Community shall be:

- (a) to promote energy efficiency and the rational use of energy and to support the development and application of energy-saving technologies and practices, including renewable energy sources and combined heat and power, by means of appropriate programmes and measures, awareness-raising and information measures, and to develop criteria for the screening of subsidy schemes in order to offset the adverse impact of certain incentives;
- (b) to encourage the implementation of energy demand side management measures, including energy conservation measures, the internalisation of external costs and benefits through economic instruments and other means, and the improved coordination of consumer awareness initiatives in Community energy-saving programmes;
- (c) to strengthen energy efficiency standards for appliances and to provide for their energy efficiency labelling.

4. In relation to industry, the priority objectives of the Community shall be:

- (a) to promote the ongoing development of eco-management schemes by the industrial sector and to develop programmes for the further promotion of environmental awareness on the part of industry, including, in particular, small and medium-sized enterprises (SMEs), as well as for vocational training and technical support; to review the Environmental Management and Audit Scheme;
- (b) to develop a framework for an integrated, life-cycle orientated product policy, which will address, *inter alia*, the further development of life-cycle analysis, including the reduction of waste generated, and will take into account implications for the internal market, in order to promote the development of cleaner products by incorporating environmental considerations into their design and minimising the use of persistent organic substances, heavy

metals and substances with an irreversible impact on health;

- (c) to improve the legislation and other instruments in relation to coherent and comprehensive control of pollution from industrial installations, to develop options for a framework to complement integrated pollution control for smaller installations, taking into account their particular problems, and to encourage better integration of external costs;
- (d) taking note of the European Parliament resolution of 14 May 1997⁽¹⁾ and the Council resolution of 7 October 1997⁽²⁾, both concerning the implementation and enforcement of Community environmental law, to take steps to improve implementation and sanctioning of all regulatory measures aimed at reducing industrial emissions and pollution by ensuring improved integration of the 'polluter pays' principle into Community legislation; in this connection, the European Parliament and the Council note that the Commission will submit a White Paper on environmental liability;
- (e) to develop actions in order to enhance the awareness of industry on environmental issues, such as tools for better business information, including information on best available techniques, *inter alia* through the use of EuroBAT documents, improved dissemination of cleaner technologies and promotion of best environmental practices;
- (f) to clarify the definition of eco-businesses and to facilitate their development;
- (g) to give priority to the problems of SMEs as regards technical and financial obstacles to the development and use of clean technology in relation to the environment;
- (h) to promote effective control and, where viable environmentally friendly alternatives exist, the phasing-out or banning of persistent organic pollutants (POPs), which have a damaging effect on the environment or health, taking account of progress in relevant international negotiations;
- (i) to develop and give practical form to policies aimed at sustainable industrial development, involving the formulation of the concept of eco-efficiency and a focus on partnerships between governments and industry, using industry's capacity for innovation and appropriate incentives and stimulating conditions, on both the demand and the supply side.

5. In relation to tourism, the priority objectives of the Community shall be:

- (a) to provide for regular exchanges of information on the impact on the environment of tourism practices;

⁽¹⁾ OJ C 167, 2. 6. 1997, p. 92.

⁽²⁾ OJ C 321, 22. 10. 1997, p. 1.

- (b) to support awareness campaigns in order to promote environment-friendly use of tourism resources;
- (c) to promote the implementation of innovative good practices in the field of sustainable tourism development, including by means of pilot projects in the framework of existing financial instruments and by applying the 'polluter pays' principle;
- (d) to ensure that the Structural Funds contribute to sustainable forms of tourism in accordance with:
 - the requirements of the Structural Fund regulations, including any provisions for the appraisal of the environmental impact of operations, and
 - any other relevant Community legislation, such as measures concerning Environmental Impact Assessment (EIA);
- (e) to promote the incorporation of the issue of 'environment and tourism', where appropriate, into international agreements.

Article 3

Broadening the range of instruments

The Community will develop, apply or otherwise encourage a broader mix of instruments in order to bring about substantial changes in current trends and practices in sustainable development, taking account of the subsidiarity principle.

1. In relation to the development, at an appropriate level, of effective market-based and other economic instruments as a means of implementing policy, special attention will be given to:
 - (a) environmental accounting;
 - (b) examining constraints on the introduction of economic instruments and identifying possible solutions;
 - (c) the use of environmental charges;
 - (d) identifying subsidy schemes which adversely affect sustainable production and consumption practices with a view to their reform;
 - (e) encouraging the application of the concept of environmental liability at Member State level;
 - (f) voluntary agreements which pursue environmental objectives while respecting competition rules;
 - (g) encouraging the use of fiscal instruments to achieve environmental objectives, *inter alia* by considering possible legislative initiatives in this area during the course of the Programme and continuing the study of the potential wider benefits of such instruments, notably in the context of the general economic objectives of the Community, such as employment, competitiveness and growth.
2. In relation to horizontal instruments, the priority objectives of the Community shall be:
 - (a) to examine, *inter alia* in the light of the Commission proposal of 25 March 1997 on the assessment of the effect of certain plans and programmes on the environment⁽¹⁾, how the environmental impact of policies, plans and programmes in the Community and, where relevant, Commission proposals for programmes and Community legislation can be assessed;
 - (b) to develop approaches to environmental impact assessment for plans and programmes, and to promote the development of methodologies, training and guidance material for assessments of both projects and plans and programmes;
 - (c) to consider the extension of the Environmental Management and Audit Scheme to areas of activity other than manufacturing industry;
 - (d) where appropriate, to promote standardisation in relation to environmental issues and to strengthen the integration of environmental aspects in the framing of industrial standards;
 - (e) to develop criteria to assess the compatibility of existing Community policies and instruments, including financing, with the requirements of sustainable development;
 - (f) to review the Community's public procurement rules so as better to incorporate environmental considerations into their application, while safeguarding fair competition.
3. Priority will be given to improving the use of the Community's own financial support mechanisms as a means of promoting sustainable development. This implies better integration of environmental considerations, including the protection of nature, and an evaluation of the impact of these mechanisms on the environment as a means of improving the quality of support action from an environmental and economic point of view.
4. The Community will pursue its current efforts to ensure the full realisation of the potential that new techniques and technologies offer in terms of sustainability in sectors such as agriculture, food processing, chemicals and pharmaceuticals, environmental clean-up and the development of new materials and energy sources.

⁽¹⁾ OJ C 129, 25. 4. 1997, p. 14.

*Article 4***Implementation and enforcement of legislation**

The Community will step up efforts at all levels with a view to ensuring better implementation and enforcement of environmental legislation.

The priority objectives of the Community shall be:

- (a) to improve the legal framework for environmental policy by adopting more coherent, comprehensive and integrated approaches to specific sectors, where appropriate by simplifying legislative and administrative procedures and by using framework directives, and by giving specific attention to the transposability and enforceability of the measures to be adopted;
- (b) to step up efforts to ensure that Member States comply more effectively with the reporting requirements under Community legislation, *inter alia* by better rationalisation and standardisation of such requirements, to make greater use of these reports as a tool in the decision-making process, and to step up the work done in the management committees on these issues;
- (c) to aim to enhance the effectiveness of cooperation between the authorities in the Member States responsible for implementation and enforcement of Community environmental legislation, *inter alia* via the network of environmental inspectors; in this context, to seek to achieve greater transparency as regards supervision and enforcement efforts in the individual Member States, and to step up joint cooperation efforts via the same network by means of pilot projects and exercises on the ground;
- (d) to examine options to enhance the effectiveness of environment inspection in Europe on the basis of a report to be presented by the Commission before the end of the Programme and which will assess, in particular, the feasibility of establishing common inspection criteria on the basis of minimum inspection standards; the Commission will publish an annual report on the environment, detailing *inter alia* the performance of the Member States in implementing and enforcing Community environmental legislation;
- (e) to consider means of facilitating greater public involvement in the implementation and enforcement of environmental policies, and to examine whether there is a need for improved access to justice, having regard to the principle of subsidiarity and taking into account the differing legal systems of the Member States;
- (f) to encourage, in connection with proposals for the review of existing legislative acts and in proposals for new environmental legislation, provisions requiring Member States to enforce environmental rules and lay down the penalties to be imposed if such rules are breached;
- (g) to speed up efforts, at Community and Member State level, to deal effectively with breaches of Community environmental legislation in accordance with the Treaty, in particular Articles 155 and 171 thereof.

*Article 5***Awareness-raising**

The Community emphasises the importance of communication, information, education and training as a means of stimulating awareness of sustainable development issues and promoting behavioural changes in all sectors of society. It will increase its efforts to make Community citizens more aware of and more informed about sustainable development issues.

The priority objectives of the Community shall be:

- (a) to make information on the state of the environment and on the implementation of Community environmental legislation accessible;
- (b) to promote the integration of the sustainable development concept into Community education and training programmes;
- (c) to encourage environmental education and training at all relevant levels, *inter alia* in order to contribute to changing individual behaviour toward more sustainable patterns;
- (d) to make optimum use of the system for the evaluation and appropriate dissemination on a continuous basis of the results of LIFE projects, both in the area of nature protection and in other areas of the environment;
- (e) to collect and disseminate widely information and knowledge concerning the link between the state of the environment and human health;
- (f) further to promote green housekeeping for the Community's own institutions, and to facilitate the exchange of best practices and access to and dissemination of information in this area as widely as possible;
- (g) to promote close cooperation between the Commission and the Member States in the field of environmental communication and information; to develop a Community communication strategy in cooperation with the Member States, *inter alia* by taking advantage of existing cooperation initiatives;
- (h) to help consumers take environmental considerations into account through eco-labelling and the provision of environmental information on products, including chemicals;

- (i) to encourage providers of financial services, such as banks and insurance companies, to integrate environmental considerations in their operations.

Article 6

International cooperation

In recognition of the cross-border nature of serious environmental problems and of the good prospects the Community has of becoming the driving force in the further development of international environmental rules, the Community will seek to strengthen its role and take the lead, in particular as regards the international obligations which it has entered into under conventions and protocols.

This implies, in particular, strengthening its approach to cooperation with the countries of central and eastern Europe and the Mediterranean and enhancing its role in relation to environmental issues as identified in Agenda 21 and in relation to bilateral and multilateral cooperation on sustainable development issues.

The Community must ensure that it is a driving force in future work relating to the Biodiversity and Climate Conventions and that it also takes the lead in international efforts to establish a global, legally binding regulatory system for persistent organic pollutants (POPs).

1. In relation to central and eastern Europe, the priority objectives of the Community shall be:
 - (a) to develop further a comprehensive approach to environmental matters in the context of the strategy to prepare the associated countries of central and eastern Europe for accession; the Community undertakes, with the aid of technical and administrative cooperation and financial support, to help the applicant countries achieve the required level of environmental protection at the time of their accession; in this connection, higher priority is to be given to the drawing-up and implementation of environmental action plans for each of the countries with a view to their possible accession;
 - (b) to continue cooperation with and promote cooperation among the countries of central and eastern Europe in this area, within the framework provided by the Europe Agreements. This implies strengthening cooperation in the field of capacity-building, continuing to provide financial cooperation, comprising technical assistance especially in connection with the approximation of laws and their implementation and enforcement, investment support for environmental infrastructure and cooperation to promote better environmental practice, including by means of technology transfer.
2. In relation to the Mediterranean countries and the Mediterranean Basin, the priority objectives of the Community shall be:
 - (a) to develop, within the framework of the Barcelona Declaration of November 1995, a regional approach through regular dialogue, *inter alia* by means of ministerial conferences, and increased and improved cooperation, in particular in relation to financial and technical assistance;
 - (b) to establish a short and medium-term priority action programme in relation to the Mediterranean Basin and to develop a monitoring mechanism for its implementation.
3. In relation to the Baltic Sea region, the priority objectives of the Community shall be to strengthen environmental cooperation in the area within the existing regional frameworks and to enhance the coordination of the relevant funds in order to support the Helsinki Commission (Helcom) activities and, in particular, the implementation of the Joint Comprehensive Environmental Programme (JCP).
4. In relation to the Rio process, the priority objectives of the Community shall be to ensure active Community participation in the process and in the follow-up to the 1997 Special Session of the UN General Assembly, and *inter alia* to contribute to:
 - (a) the strengthening of the Framework Convention on Climate Change in accordance with the Berlin mandate and subsequent decisions;
 - (b) the development of the Convention on Biological Diversity, including the promotion of national implementation strategies and the timely development of a biosafety protocol;
 - (c) the strengthening of international cooperation in the context of the Convention to Combat Desertification.
5. In relation to other international environmental issues, the priority objectives of the Community shall be:
 - (a) to carry out a policy review related to the integration of the sustainable development dimension in the implementation of the Fourth ACP-EC Convention; to evaluate Community development assistance overall to ensure that environmental appraisal systems are being followed;
 - (b) to strengthen the environmental component in cooperation with the Newly Independent States, in particular focusing on capacity-building and technical assistance under the TACIS Programme;

- (c) to strengthen the environmental component of cooperation with the countries of Asia and Latin America in accordance with Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic co-operation with, the developing countries in Asia and Latin America⁽¹⁾ and with general guidelines for cooperation between the Community and the regions concerned;
 - (d) to promote active participation in regional conferences and treaties in Europe and the 'Environment for Europe process';
 - (e) to support international work in the field of sustainable development indicators;
 - (f) to work towards the strengthening of provisions on enforcement and dispute settlement when international agreements come up for revision;
 - (g) to take an active part in negotiations on the adoption of a legally binding instrument establishing a prior informed consent procedure covering trade in certain hazardous chemicals and pesticides.
6. In relation to trade and the environment, the priority objectives of the Community shall be:
- (a) to seek to ensure that the WTO rules, provisions and procedures take full account of the need to promote a high level of environmental protection, in particular as regards the general provisions;
 - (b) actively to participate in international discussions, in particular in the WTO, dealing with the issue of trade and the environment, where the Community, in accordance with the general aim of sustainable development, will promote a balanced approach to the respective concerns of the environment and trade focusing on the integration of environmental requirements into the multilateral trading system;
 - (c) to give preference to multilateral solutions to trade and environmental problems, respecting environmental and trade principles and promoting transparency in the definition and implementation of environmental measures, including new environmental policy instruments.

SECTION 2

OTHER ISSUES TO WHICH PARTICULAR ATTENTION WILL BE GIVEN

Article 7

Improving the basis for environmental policy

The Community will ensure that its environmental policy is based on reliable and comparable data, statistics and

⁽¹⁾ OJ L 52, 27. 2. 1992, p. 1.

indicators, on sound scientific information and on an assessment of the costs and benefits of action or the lack of action. It will ensure coordination of, and cooperation with, the appropriate Community institutions and bodies and will cooperate with the relevant institutions at international level. The European Environment Agency has a key role in monitoring and reporting on the state of the environment.

Particular attention will be given to:

- (a) identifying and filling the gaps in current basic statistical data on the environment, developing the integration of environmental aspects into the data and statistics which relate to other policies and ensuring the accessibility of this data;
- (b) promoting the development of environmental indicators, performance indicators on all relevant policy issues and indicators for sustainable development as benchmark indicators to measure progress towards sustainable development and to provide a basis for the setting of objectives and operational targets;
- (c) improving coordination in the development of and securing mutual feedback between scientific research and development policies and environmental policy;
- (d) further developing the use of economic evaluation techniques for the environment (cost effectiveness, cost/benefit and business impact techniques);
- (e) developing auxiliary or satellite accounts to national accounts as a first step towards the integration of environmental aspects into Member States' and Community accounting concepts and practices with the aim of drawing up a comprehensive system of green national accounting by 1999.

Article 8

Sustainable production and consumption patterns

The Community will further develop its efforts to facilitate and enhance innovation in industry in relation to sustainable development and promote awareness and changes in behaviour by industry and consumers with a view to moving towards more sustainable patterns of production and consumption.

Article 9

Shared responsibility and partnership

The Community will encourage practical ways of improving shared action and partnership approaches to

ensure sustainable development. It will develop better forms of dialogue and ensure that an appropriate mix of actors is involved in the preparation and implementation of its policies and actions.

Article 10

Promotion of local and regional initiatives

The Community will further encourage activities at local and regional level on issues fundamental to the achievement of sustainable development.

To this end, particular attention will be given to:

- (a) further promoting the potential of spatial planning as an instrument to facilitate sustainable development, taking forward Europe 2000 + and assisting the development of the European Spatial Development Perspective as a basis for creating consensus among policy-makers, *inter alia* in relation to the environmental impact of sectoral development policies;
- (b) developing a comprehensive approach to urban issues with special emphasis on the assistance required to support actions by local authorities to implement the Programme and Local Agenda 21;
- (c) promoting the exchange of experience between local authorities in relation to sustainable transport initiatives;
- (d) developing a demonstration programme on integrated management of coastal zones with a view to showing the impact of improved information and concertation mechanisms for the implementation of sustainable development, and identifying the need for further action at Community and other levels;
- (e) developing a strategy to encourage local development and employment initiatives to contribute to the conservation of natural areas, where appropriate supported by the Structural Funds;
- (f) encouraging measures in vulnerable areas in line with the Convention to Combat Desertification, focusing on reducing the phenomenon by means of management policy and the sustainable use of natural resources as well as better dissemination of information and coordination of ongoing actions.

Article 11

Environmental themes

The Community will further develop its policies in relation to the environmental themes of the Programme on the basis of high standards of environmental protection and will, in relation to these themes, give specific atten-

tion to those actions which can be carried out most effectively at Community level.

1. In relation to climate change and ozone depletion, the Community will step up its efforts to fulfil the objectives of the Climate Convention and the Montreal Protocol.

Particular attention will be given to:

- (a) policies and measures necessary for the achievement of reduction objectives in accordance with the Berlin mandate for carbon dioxide (CO₂) and other greenhouse gases to be attained within specified time-frames such as by 2005, 2010 and 2020;
 - (b) strengthening Community control measures in respect of substances which deplete the ozone layer and stepping up research directed at finding suitable substitutes for these substances;
2. In relation to acidification and air quality, particular attention will be given to:
 - (a) developing and implementing a strategy with the goal of ensuring that critical loads, in relation to exposure to acidifying, eutrophying and photochemical air pollutants, are not exceeded;
 - (b) establishing or amending quality objectives with respect to specific pollutants, with the goal of ensuring that critical loads/levels for eco-systems are not exceeded, and developing common procedures for the assessment and monitoring of air quality.
 3. In relation to the protection of water resources, particular attention will be given to developing a comprehensive framework setting out an integrated planning and management approach to groundwater and surface water resources, which will focus on both quantitative and qualitative aspects. Moreover, it will contribute to the sustainable management of seas around Europe.
 4. In relation to waste management, the Community will take steps to update and develop its waste-management strategy in the light of the European Parliament resolution of 14 November 1996⁽¹⁾ and of the Council resolution of 24 February 1997⁽²⁾, including the hierarchy they propose, and in the context of relevant legislation.

⁽¹⁾ OJ C 362, 2. 12. 1996, p. 241.

⁽²⁾ OJ C 76, 11. 3. 1997, p. 1.

5. In relation to noise, particular consideration will be given to the development of a noise abatement programme which could address comprehensively the provision of information to the public, common noise exposure indices, and targets for noise quality and noise emissions from products.
6. In relation to nature protection and biodiversity, the Community will devise a strategy for the conservation and sustainable exploitation of biodiversity in relevant sectoral or multisectoral plans, programmes and policies and, in the implementation of its other policies, will ensure full integration of nature protection and biodiversity concerns. In relation to the implementation of new reforms, it will ensure that the impact thereof on biodiversity is assessed. Consideration will be given to set-aside in order to recreate permanent natural zones. Consideration will be given to migration routes and the role of buffer zones in the context of the European network of protected sites (Natura 2000) and the implementation of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁽¹⁾.
7. In relation to the management of risks and accidents, particular attention will be given to:
 - (a) reviewing existing legislation on the export and import of dangerous chemicals, in particular in relation to the principle of prior informed consent;
 - (b) developing further measures in the area of agricultural and non-agricultural pesticides with a view to ensuring their sustainable use;
 - (c) framing and presenting a strategy which will lead, *inter alia*, to further development of policies to address fully Agenda 21 with respect to hazardous chemicals, with particular attention to the precautionary principle, to information on risks to users and to making the work on the substitution or phasing-out of hazardous chemicals more efficient; the safe management of all hazardous chemicals needs to be improved;
 - (d) drawing up an action plan with a view to speeding up the risk assessment of hazardous substances on the Eines list, giving priority to the most hazardous substances;
 - (e) further reviewing the regulatory framework for new technologies.
8. The Community will, in accordance with the Programme, aim to take some positive steps to reduce by 50 % the number of vertebrate animals used for experimental purposes by the year 2000 and to make available statistical data on animal experimentation, particularly with regard to the use of primates and with the short-term objective of prohibiting the use of wild-caught primates.
9. Particular attention will be given to consideration of the fourth report from the Commission to the Council on the situation and prospects for radioactive waste management in the European Union.
10. Following the review of existing Community legislation which is planned before the end of the transitional period in line with the Act concerning the conditions of accession of Austria, Finland and Sweden, namely Articles 69, 84 and 112 thereof respectively, the European Parliament and the Council note the Commission's intention to submit a report to them on the results of that review and on the actions that it has deemed it necessary to take and possible implications for other legislation and for the Programme.

Done at Brussels, 24 September 1998

*For the European
Parliament
The President
J. M. GIL-ROBLES*

*For the Council
The President
J. FARNLEITNER*

⁽¹⁾ OJ L 206, 22. 7. 1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8. 11. 1997, p. 42).

(1)

Commission statement relating to Article 2(1)(a) (on agriculture) about its proposals for the CAP

In the Agenda 2000 proposals the Commission indicates that there is a need to give a new impetus to the CAP and to reflect the integration of the environmental protection requirements into the other community policies. The Commission's proposals on the reform of the EU agricultural policy are designed to ensure that the European model for agricultural policy are designed to ensure that the European model for agriculture can be sustained in the long term, to the benefit not only of the agricultural industry, but also consumers, employment, environment and for society as a whole.

The Commission proposals provide an integrated approach including:

- a reinforced rural development pillar to be further developed in the future, embracing, strengthened agri-environment measures as compulsory elements of regional programmes, area-based support for sustainable farming in less favoured areas, forestry measures including sustainable management practices and environmental training,
- the budget for agri-environmental measures can be expanded in particular through the funds available from aid reduction linked to environmental conditions,
- further reductions in market support prices compensated via an increase in direct payments.

According to these proposals, Member states will be obliged to undertake environmental measures, including those relating to the protection of biodiversity, groundwater, drinking water and landscapes. In fulfilling this obligation, Member States have three options at their disposal:

- the agri-environmental measures being part of rural programmes,
- mandatory environmental legislation the enforcement of which can be supported by reducing direct payments in the case of non-respect,
- specific environmental requirements being a conditions for the receipt of direct payments under the market organisations.

In the case of beef and dairy, national envelopes are established for a part of the payments, which can be linked to environmental standards. In addition the extensification premium will be made more effective under stricter conditions.

The Commission is confident that this reform once adopted will prepare the ground for more sustainable forms of agriculture and rural development in the European Union.

(2)

Commission statement relating to Article 2(4)(d) on environmental liability

In accordance with its work programme, the Commission will shortly adopt a White Paper on environmental liability. This White Paper will consider the need for Community legislative action in this field, in particular in the form of a framework directive.

(3)

**Commission statement relating to Article 4, second paragraph, points (d) to (g)
on enforcement**

The Commission will give details of Member States' performance in implementing and enforcing Community environmental legislation both in the relevant expanded chapter and enclosures in its Annual report on monitoring the application of Community law and in its Annual survey on the environment. The details will include, *inter alia*, information on the number of complaints received, the number of matters investigated by the Commission, the number of matter brought before the Court of Justice, the findings of the Court and any follow up action taken by the Commission.

(4)

Commission statement relating to Article 11(4) on waste management

The Commission will as appropriate further develop the Community hierarchy of waste management principles and in considering initiatives, will respect the optimum use of this hierarchy.

COMMISSION REGULATION (EC) No 2180/98
of 9 October 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 10 October 1998.

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

Done at Brussels, 9 October 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 9 October 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
0707 00 05	052	91,5
	999	91,5
0709 90 70	052	97,9
	999	97,9
0805 30 10	052	69,8
	388	88,4
	524	57,0
	528	61,2
	999	69,1
0806 10 10	052	96,1
	064	58,9
	400	175,4
	999	110,1
	0808 10 20, 0808 10 50, 0808 10 90	052
060		38,5
064		40,9
388		33,0
400		71,1
404		61,0
800		157,6
999		66,3
0808 20 50	052	87,6
	064	59,5
	999	73,5

⁽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 2181/98

of 9 October 1998

setting the agricultural conversion rates applicable to certain aids in the United Kingdom and Sweden and the resulting maximum amounts of compensatory aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 724/97 of 22 April 1997 determining measures and compensation relating to appreciable revaluations that affect farm incomes ⁽¹⁾, as last amended by Regulation (EC) No 942/98 ⁽²⁾, and in particular Article 7 thereof,

Whereas pursuant to Article 3(1) first subparagraph of Regulation (EC) No 724/97 as regards the pound sterling and the Swedish crown, the agricultural conversion rates applicable to the aid referred to in Article 7 of 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⁾, shall not be reduced as a result of appreciable revaluations of the currencies concerned; whereas, however, Article 3(1) second subparagraph of Regulation (EC) No 724/97 provides for a reduction in the agricultural conversion rate applicable to one of the aids referred to in Article 7 of Regulation (EEC) No 3813/92 where, because of measures taken following an appreciable revaluation, that rate exceeds the current agricultural conversion rate by more than 11,5 %; whereas, in such cases, the conversion rate to be applied is equal to the current agricultural conversion rate plus 11,5 %;

Whereas the agricultural conversion rates for the pound sterling and the Swedish crown applicable to some of the aids referred to in Article 7 of Regulation (EEC) No 3813/92 were reduced from 1 August 1998 to avoid differences of more than 11,5 % from the agricultural conversion rates current on that date; whereas, in order to facilitate the administration of the aids concerned, the rates applicable for them from 1 August 1998 should be specified and fixed;

Whereas Article 4(2) of Regulation (EC) No 724/97 provides for compensation for the effects of the reduction in the agricultural conversion rates applicable to the aids referred to in Article 7 of Regulation (EEC) No 3813/92; whereas Commission Regulation (EC) No 805/97 of 2 May 1997 laying down detailed rules for compensation

relating to appreciable revaluations ⁽⁵⁾, as last amended by Regulation (EC) No 1425/98 ⁽⁶⁾, provides for supplementary amounts of compensatory aid to be paid in addition to that compensation; whereas the maximum supplementary amount of the first tranche of compensatory aid for the reduction in the aid referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 August 1998 should be fixed for the United Kingdom and Sweden;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

1. The agricultural conversion rate of ECU 1 = GBP 0,803724, applicable on 31 July 1998 to the aids referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 August 1998, shall be replaced from this latest date in respect of the aids concerned by ECU 1 = GBP 0,755249.
2. The agricultural conversion rate of ECU 1 = SEK 9,90747, applicable on 31 July 1998 to the aids referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 August 1998, shall be replaced from this latest date in respect of the aids concerned by ECU 1 = SEK 9,80430.

Article 2

1. The maximum supplementary amount of the first tranche of compensatory aid that may be granted as a result of the reduction in the agricultural conversion rate referred to in Article 1(1) shall be ECU 1,21 million for the United Kingdom.
2. The maximum supplementary amount of the first tranche of compensatory aid that may be granted as a result of the reduction in the agricultural conversion rate referred to in Article 1(2) shall be ECU 0,00 million for Sweden.

⁽¹⁾ OJ L 108, 25. 4. 1997, p. 9.

⁽²⁾ OJ L 132, 6. 5. 1998, p. 1.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ L 115, 3. 5. 1997, p. 13.

⁽⁶⁾ OJ L 190, 4. 7. 1998, p. 16.

Article 3

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

It shall apply with effect from 1 August 1998.

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

Done at Brussels, 9 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2182/98
of 9 October 1998

amending Regulation (EEC) No 1848/93 laying down detailed rules for the application of Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs

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

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs⁽¹⁾, and in particular Article 20 thereof,

Whereas Article 4(2) of Commission Regulation (EEC) No 1848/93 of 9 July 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs⁽²⁾, as last amended by Regulation (EC) No 2515/94⁽³⁾, allows for action to be taken to inform the public of the meaning of the 'traditional speciality guaranteed' indication and the logo in the Community languages; whereas the action taken, notably a Community campaign directed at producers, distributors and consumers, has been demonstrably useful and effective;

Whereas given the useful positive impact of the action taken to make Regulation (EEC) No 2082/92 and the logo and indication it provides for known, a four-year extension to the time limit set in Regulation (EEC) No 2037/

93⁽⁴⁾, as last amended by Regulation (EC) No 1726/98⁽⁵⁾, should be made so that it can be continued and its impact increased;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Certificates of Specific Character,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4(2) of Regulation (EEC) No 1848/93 is amended as follows:

1. The word 'five' is replaced by 'nine'.
2. The following subparagraph is added:
'An assessment of the action taken shall be made'.

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, 9 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 9.

⁽²⁾ OJ L 168, 10. 7. 1993, p. 35.

⁽³⁾ OJ L 275, 26. 10. 1994, p. 1.

⁽⁴⁾ OJ L 185, 28. 7. 1993, p. 5.

⁽⁵⁾ OJ L 224, 11. 8. 1998, p. 1.

COMMISSION REGULATION (EC) No 2183/98

of 9 October 1998

fixing the intervention thresholds for oranges, satsumas, mandarins and clementines for the 1998/99 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 27(1) and (2) thereof,

Whereas Article 27(1) of Regulation (EC) No 2200/96 provides for an intervention threshold to be fixed if the market in a product listed in Annex II is suffering or at risk of suffering from imbalances giving or liable to give rise to too large a volume of withdrawals; whereas such a development might cause budget problems for the Community;

Whereas the conditions laid down in the abovementioned Article 27 are met for certain products and intervention thresholds for oranges, satsumas, mandarins and clementines should therefore be fixed;

Whereas this intervention threshold for each of those products should be fixed on the basis of a percentage of the average production intended for consumption in the fresh state over the last five marketing years for which data are available; whereas the period to be taken into account for assessing the over-run of the intervention threshold must also be established for each product in question;

Whereas, under the abovementioned Article 27, an over-run of the intervention threshold gives rise to a reduction in the Community withdrawal compensation in the marketing year following the over-run; whereas the implications of this over-run for each of the products in question should be determined and a reduction proportional to the size of the over-run should be fixed, up to a certain percentage;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following intervention thresholds are fixed for the 1998/99 marketing year:

— oranges:	414 200 tonnes
— satsumas:	22 100 tonnes
— mandarins:	37 900 tonnes
— clementines:	132 800 tonnes.

Article 2

The over-run of the intervention threshold for the products listed in Article 1 shall be assessed on the basis of the withdrawals carried out between 1 August 1998 and 31 July 1999.

Article 3

If the quantity of one of the products listed in Article 1 withdrawn in the period laid down in Article 2 exceeds the threshold fixed in Article 1, the Community withdrawal compensation fixed in Annex V to Regulation (EC) No 2200/96 for the 1999/2000 marketing year shall be reduced in proportion to the size of the over-run compared with the production used to calculate the threshold in question.

The Community withdrawal compensation shall not, however, be reduced by more than 30 %.

Article 4

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

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

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

Done at Brussels, 9 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2184/98

of 9 October 1998

amending Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(14) thereof,

Whereas Commission Regulation (EC) No 1466/95 ⁽³⁾, as last amended by Regulation (EC) No 897/98 ⁽⁴⁾, lays down special detailed rules of application for export refunds on milk and milk products; whereas Article 9a of that Regulation provides that export licences for cheese exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations may be allocated according to a special procedure by which preferred importers in the United States may be designated;

Whereas, as a result of the Agreement on the conclusion of negotiations between the European Community and the United States of America under GATT Article XXIV:6 ⁽⁵⁾, the 'cheese' tariff quotas for Austria, Finland and Sweden originally resulting from the Tokyo Round and granted by the United States in Uruguay Round list XX have been administered from 1998 onward in the same way as the additional quota granted by the United States to the Community of Twelve; whereas, in order to take account of this, certain provisions of Article 9a of Regulation (EC) No 1466/95 should be adapted; whereas, given the time limit for the implementation of the procedure for 1999, those adaptations should apply as soon as possible;

Whereas in Article 12 of Regulation (EC) No 1466/95, for the calculation of refunds on milk products with added sugar, the maximum quantity of sucrose incorporated for which a refund is granted is fixed at 40 %; whereas, to take better account of the composition of the products concerned, that percentage should be increased;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1466/95 is amended as follows:

1. Article 9a is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the Commission may decide that export licences for products falling within CN code 0406 for export to the United States of America as part of the additional quota under the Agreement and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States in Uruguay Round list XX shall be issued pursuant to this Article.';

(b) in the first subparagraph of paragraph 2, the second sentence is deleted;

(c) in paragraph 2, the third subparagraph is deleted.

2. In Article 12(1)(b) and (3), '40 %' is replaced by '43 %'.

Article 2

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

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 126, 28. 4. 1998, p. 22.

⁽⁵⁾ OJ L 334, 30. 12. 1995, p. 25.

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

Done at Brussels, 9 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2185/98
of 9 October 1998

opening the procedure for the allocation of export licences for cheeses to be exported in 1999 to the United States of America under certain quotas resulting from the GATT Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(8) thereof,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2184/98 ⁽⁴⁾, and in particular Article 9a(l) thereof,

Whereas Article 9a of Regulation (EC) No 1466/95 provides that export licences for cheese exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations (hereinafter known as 'the Agreements') may be allocated according to a special procedure by which preferred importers in the United States may be designated; whereas that procedure should be opened for exports during 1999 and the additional rules relating to it should be determined; whereas, given the time limit for notification of the preferred importers in the United States, the procedure should be opened without delay;

Whereas for the administration of imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas for Austria, Finland and Sweden originally resulting from the Tokyo Round; whereas conformity of that practice with the GATT rules is being examined; whereas, however, in order to avoid problems with the functioning of the arrangements for exports in 1999, export licences should be allocated bearing in mind, where necessary, the distribution of certain groups of products according to the nature of the quota;

Whereas in order to provide stability and security for operators lodging demands under this special regime, it is appropriate to fix the day on which applications are

deemed to have been lodged for the purposes of Article 1 (1) of Regulation (EC) No 1466/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

Export licences for products falling within CN code 0406 to be exported in 1999 to the United States of America under the additional quota resulting from the Agreements (hereinafter known as the 'UR quota') and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States of America in Uruguay Round list XX (hereinafter known as the 'TR quota') as referred to in Annex I shall be issued in accordance with the provisions of Article 9a of Regulation (EC) No 1466/95.

Article 2

1. Applications for provisional licences shall be lodged with the competent authorities by 15 October 1998 at the latest. They shall not be admissible unless they contain all the details referred to in Article 9a(2) of Regulation (EC) No 1466/95 and the documents mentioned therein.

2. Where, for the same group of products referred to in Annex I, column 2, the available quantity is divided between the UR quota and the TR quota, licence applications may cover only one of those quotas and must indicate the quota concerned, specifying the identification of the group and of the quota indicated in Annex I, column 3.

3. Licence applications must cover no more than 40 % of the quantity available for the group of products indicated in Annex I, column 4, and for the quota concerned.

4. Applications shall not be admissible unless applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so. If an applicant lodges different applications for the same group of products and the same quota in one or more Member States, his applications shall be deemed inadmissible.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ See page 21 of this Official Journal.

5. The details referred to in paragraphs 1 and 2 shall be presented in accordance with the model shown in Annex II.

6. For the purposes of Article 1(1) of Regulation (EC) No 1466/95, all applications lodged within the time limit shall be deemed to have been lodged on 12 October 1998. Article 8(4) of Regulation (EC) No 1466/95 shall not apply to applications for provisional licences lodged pursuant to this paragraph.

Article 3

Member States shall notify the Commission within four working days of the end of the period for lodging applications of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I. Notification shall comprise for each group and, where applicable, for each quota:

- a list of applicants,
- the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the Harmonized Tariff Schedule of the United States of America (1998),
- the quantities of those products exported by the applicant during the previous three years,

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

Done at Brussels, 9 October 1998.

- the name and address of the importer designated by the applicant and whether the importer is a branch of the applicant.

All notifications, including 'nil' notifications, shall be made by telex or fax, by 21 October 1998 at the latest, on the model form shown in Annex III.

Article 4

The Commission shall, pursuant to Article 9a(3) of Regulation (EC) No 1466/95, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 1998 at the latest.

Article 5

The information referred to in Article 3 hereto and in Article 9a(2) of Regulation (EC) No 1466/95 shall be verified before the final licences are issued and by 31 December 1998 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited.

Article 6

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 1999 under certain quotas resulting from the GATT Agreements

Article 9a of Regulation (EC) No 1466/95 and Regulation (EC) No 2185/98

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America			Quantity available for 1999	Maximum quantity per application
Note No	Group	Identification of group and quota	Tonnes	Tonnes
(1)	(2)	(3)	(4)	(5)
16	Not specifically provided for (NSPF)	16 — Tokyo	908,877	363,550
		16 — Uruguay	1 955,000	782,000
17	Blue Mould	17	250,000	100,000
18	Cheddar	18	833,333	333,333
19	American type	19	83,333	33,333
20	Edam/Gouda	20	833,334	333,333
21	Italian type	21	583,334	233,333
22	Swiss or Emmenthaler cheese other than with eye formation	22 — Tokyo	393,006	157,202
		22 — Uruguay	316,666	126,666
25	Swiss or Emmenthaler cheese with eye formation	25 — Tokyo	4 003,172	1 601,268
		25 — Uruguay	1 066,666	426,666

ANNEX II

Presentation of details required pursuant to Article 9a(2) of Regulation (EC) No 1466/95

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 2185/98

Name of group indicated in column 2 of Annex I to Regulation (EC) No 2185/98

Origin of quota: Uruguay Round/Tokyo Round (1)

Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is branch of applicant	
			1995	1996	1997	Average 1995-1997			Yes	No
								<input type="checkbox"/>	<input type="checkbox"/>	
								<input type="checkbox"/>	<input type="checkbox"/>	
								<input type="checkbox"/>	<input type="checkbox"/>	
	Total							<input type="checkbox"/>	<input type="checkbox"/>	

(1) Delete where applicable.

ANNEX III

Notification by Member State in accordance with Article 3 of Regulation (EC) No 2185/98

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 2185/98

Name of group indicated in column 2 of Annex I to Regulation (EC) No 2185/98

Origin of quota: Uruguay Round/Tokyo Round (1)

--

No	Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary of applicant	
				1995	1996	1997	Average 1995-1997			Yes	No
1										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
		Total						∅			
2										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
		Total						∅			
3										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
		Total						∅			
4										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
										<input type="checkbox"/>	<input type="checkbox"/>
		Total						∅			

(1) Delete where applicable.

COMMISSION REGULATION (EC) No 2186/98
of 9 October 1998

providing for a temporary derogation from Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(4) thereof,

Whereas Commission Regulation (EC) No 1466/95 ⁽³⁾, as last amended by Regulation (EC) No 2184/98 ⁽⁴⁾, lays down special detailed rules of application for export refunds on milk and milk products;

Whereas the problems prevailing on the market in Russia since the second half of August 1998 have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities under the conditions laid down in Regulation (EC) No 1466/95;

Whereas it is accordingly necessary to limit such damaging consequences and to extend the time limit laid down in the Regulations applicable to refunds so that export operations which have not been completed on account of the abovementioned circumstances can be regularised or another outlet within the same zone can be found;

Whereas, in the light of developments, this Regulation should enter into force immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the products falling within CN code 0406 for which export licences have been issued pursuant to Regulation (EC) No 1466/95 containing the indication 'Russia' in box 7 in accordance with Article 1(2) of that Regulation.

Article 2

On application by the holder submitted before 16 October 1998, the validity of the export licences referred to in Article 1 applied for before 29 August 1998, excluding those whose validity elapsed before 1 August 1998, shall be extended to 30 November 1998.

Article 3

Member States shall notify to the Commission the quantities of products covered by the above measure before 30 November 1998.

Article 4

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, 9 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ See page 21 of this Official Journal.

COMMISSION REGULATION (EC) No 2187/98
of 9 October 1998
amending Regulation (EEC) No 3472/85 on the buying-in and storage of olive oil
by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 12(4) thereof,

Whereas Article 2 of Commission Regulation (EEC) No 3472/85⁽³⁾, as last amended by Regulation (EC) No 1204/97⁽⁴⁾, fixes the minimum quantity to be offered for intervention; whereas, given the structure of production in Greece and Portugal, for those countries the minimum quantity that could be offered for intervention in the 1991/92, 1992/93 and 1993/94 marketing years should be reintroduced;

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

Done at Brussels, 9 October 1998.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3472/85 is amended as follows:

1. in Article 2(3), the words 'for the 1991/92, 1992/93 and 1993/94 marketing years' are deleted;
2. in Article 2(4), the second subparagraph is deleted;
3. in Article 8(1), the second subparagraph is deleted.

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 333, 11. 12. 1985, p. 5.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 29.

COMMISSION REGULATION (EC) No 2188/98
of 9 October 1998

amending Regulation (EC) No 1760/98 increasing to 600 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1760/98⁽⁵⁾, as last amended by Regulation (EC) No 2043/98⁽⁶⁾, opened a standing invitation to tender for the export of 400 000 tonnes of barley held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 600 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1760/98 must therefore 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

Regulation (EC) No 1760/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 600 000 tonnes of barley to be exported to all third countries with the exception of the United States, Canada and Mexico.

2. The regions in which the 600 000 tonnes of barley are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 9 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 221, 8. 8. 1998, p. 13.

⁽⁶⁾ OJ L 263, 26. 9. 1998, p. 15.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Amiens	53 830
Châlons	77 291
Dijon	17 550
Lille	61 417
Nancy	33 500
Orléans	155 029
Paris	30 900
Poitiers	48 000
Rouen	121 083
Toulouse	1 400'

COMMISSION REGULATION (EC) No 2189/98

of 9 October 1998

opening a standing invitation to tender for the export of barley held by the Spanish intervention agency

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

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

Whereas a standing invitation to tender should be opened for the export of 300 000 tonnes of barley held by the Spanish intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

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

Subject to the provisions of this Regulation, the Spanish intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum of 300 000 tonnes of barley for export to third countries,

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

with the exception of the United States of America, Canada and Mexico.

2. The regions in which the 300 000 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 15 October 1998.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 27 May 1999.

4. Tenders shall be lodged with the Spanish intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analyses results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

- two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
- half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge,

the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the EAGGF in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Commission Regulation (EEC) No 3002/92⁽²⁾, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽²⁾ OJ L 304, 17. 10. 1992, p. 17.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 2189/98
- Byg fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 2189/98
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2189/98
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2189/98
- Intervention barley without application of refund or tax, Regulation (EC) No 2189/98
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2189/98
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2189/98
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2189/98
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 2189/98
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2189/98
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2189/98.

Article 8

1. The security lodgement pursuant to Article 13(4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17 of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than ECU 10 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

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

Done at Brussels, 9 October 1998.

Notwithstanding Article 15(2) of Regulation (EEC) No 3002/92:

- the part of the security lodged when the licence is issued must be released within 20 working days of the date on which the successful tenderer provides proof that the cereals removed have left the customs territory of the Community.

Notwithstanding Article 17(3) of Regulation (EEC) No 2131/93:

- the remainder must be released within 15 working days of the date on which the successful tenderer provides the proof referred to in Article 18 of Commission Regulation (EEC) No 3665/87⁽¹⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Spanish intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 351, 14. 12. 1987, p. 1.

ANNEX I

(tonnes)

Place of storage	Quantity
Aragón	30 000
Castilla-La Mancha	62 000
Castilla y León	178 000
Navarra	25 000
País Vasco	2 000
La Rioja	3 000

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of barley held by the Spanish intervention agency

(Article 6(1) of Regulation (EC) No 2189/98)

- Name of successful tenderer:
 — Date of award of contract:
 — Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

Standing invitation to tender for the export of barley held by the Spanish intervention agency

(Regulation (EC) No 2189/98)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

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

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

COMMISSION REGULATION (EC) No 2190/98
of 9 October 1998
fixing the agricultural conversion rates

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

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⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 2134/98⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 961/98⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 6 to 10 October 1998, it is necessary to fix a new agricultural conversion rate for the pound sterling;

Whereas Article 15(2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15(2) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 2134/98 is hereby repealed.

Article 4

This Regulation shall enter into force on 11 October 1998.

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

Done at Brussels, 9 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 269, 6. 10. 1998, p. 12.

⁽⁴⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,56225	Danish kroner
	1,98391	German marks
	338,319	Greek drachmas
	203,183	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23593	Dutch guilders
	0,796521	Irish punt
1 973,93		Italian lire
	13,9576	Austrian schillings
	168,336	Spanish pesetas
	9,35538	Swedish kroner
	0,698159	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,27139	Danish kroner		7,87734	Danish kroner
	1,90761	German marks		2,06657	German marks
	325,307	Greek drachmas		352,416	Greek drachmas
	195,368	Portuguese escudos		211,649	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14993	Dutch guilders		2,32909	Dutch guilders
	0,765886	Irish punt		0,829709	Irish punt
1 898,01		Italian lire	2 056,18		Italian lire
	13,4208	Austrian schillings		14,5392	Austrian schillings
	161,862	Spanish pesetas		175,350	Spanish pesetas
	8,99556	Swedish kroner		9,74519	Swedish kroner
	0,671307	Pound sterling		0,727249	Pound sterling

COMMISSION REGULATION (EC) No 2191/98
of 9 October 1998
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

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

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat⁽¹⁾, as last amended by Regulation (EC) No 1680/98⁽²⁾,

Whereas Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f);

Whereas Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1998 to 30 June 1999 at 11 500 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of

validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 October 1998 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of November 1998 for 1 942,755 tonnes.

Article 2

This Regulation shall enter into force on 12 October 1998.

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

Done at Brussels, 9 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 137, 28. 5. 1997, p. 10.

⁽²⁾ OJ L 212, 30. 7. 1998, p. 36.

II

(Acts whose publication is not obligatory)

COMMISSION

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON
SOCIAL SECURITY FOR MIGRANT WORKERS

DECISION No 170

of 11 June 1998

amending Decision No 141 of 17 October 1989, concerning the compilation of the lists provided for in Articles 94(4) and 95(4) of Council Regulation (EEC) No 574/72 of 21 March 1972

(Text with EEA relevance)

(98/565/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, self-employed persons, and members of their families moving within the Community, under which it is made responsible for dealing with all administrative questions and questions of interpretation arising from Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 36(2) of the aforementioned Regulation (EEC) No 1408/71,

Having regard to Articles 17(1) to (4), 29(1) to (3), 30(1) and (2), 94(4) and (5), 95(4) and (5) and 102(2) of Regulation (EEC) No 574/72,

Having regard to Decision No 141 of 17 October 1989,

Whereas there are grounds for revising Decision No 141 of 17 October 1989 in order particularly to take account of the introduction in Article 95 of Regulation (EEC) No 574/72 of an average cost per person in place of an average cost for each pensioner and for the members of his family,

Whereas, however, this amendment of Article 95 of Regulation (EEC) No 574/72 does not apply to relations with France until 1 January 2002,

HAS DECIDED AS FOLLOWS:

Article 1

The lists provided for in Articles 94(4) and 95(4) of Regulation (EEC) No 574/72 shall be drawn up according to the following rules:

I. LIST PROVIDED FOR IN ARTICLE 94(4)

Families of employed or self-employed persons

1. For the purposes of applying paragraphs 1 to 4 of Article 17 of Regulation (EEC) No 574/72, the following procedure shall be laid down.

At the request of the employed or self-employed person, the competent institution, after completing Part A of Form E 109, shall forward two copies to the person concerned, who shall pass them on to the members of his family. The latter must submit the two copies to the sickness insurance institution of the place of their residence when registering for the granting of benefits in kind.

If the members of the family do not submit the said certificate, the institution of the place of residence shall request it from the competent institution by means of Form E 107, whereupon the latter institution shall send the certificate in duplicate to the institution of the place of residence.

After completing Part B, the institution of the place of residence of the members of the family shall return a copy of Form E 109 to the sickness insurance institution with which the employed or self-employed person is insured.

2. The date with effect from which the lump sums shall be calculated is:
 - (a) the date on which entitlement to benefits in kind is acquired under the legislation of the competent State; this date is recorded on Form E 109
 - (b) the date of change of residence, where this is subsequent to the date referred to under (a) above; this date is recorded on Form E 109
 - (c) the day following the date on which entitlement under Form E 106, E 111, E 112 or E 128 ends, if one of these forms has been issued and specifies a precise date on which entitlement ends; this date is recorded on Form E 109
 - (d) the date on which Form E 109 is received by the institution of the place of residence; this date is recorded on this form and constitutes the date on which Form E 106, E 111, E 112 or E 128 ceases to have effect, if one of these forms has been issued and does not specify a precise date on which entitlement ends.

If the members of the family are still entitled to receive benefits, in connection with carrying out a professional activity or receiving a replacement income, under the legislation of their country of residence or of another Member State, on a priority basis, in accordance with the regulations, the lump sums shall be calculated from the day following the date on which such entitlement ends.

3. The competent institution shall inform the institution of the place of residence of the suspension or withdrawal of entitlement to benefits in kind by sending it two copies of Form E 108, with Part A completed. The institution of the place of residence shall complete Part B of the form and return one copy to the competent institution.
4. The date with effect from which the lump sums shall cease to be paid is:
 - (a) the date of suspension or withdrawal of entitlement, if Form E 108 is received by the institution of the place of residence within three months of that date. The date is recorded on the form and constitutes the date from which Form E 109 ceases to apply
 - (b) the date on which Form E 108 is received by the institution of the place of residence, if that date is later than three months following the date of suspension or withdrawal of entitlement. The date on which the form was received is recorded on this form and constitutes the date from which Form E 109 ceases to apply

- (c) the date on which entitlement to benefits in kind under the legislation of the country of residence or of another Member State is acquired, in accordance with the regulations, in connection with the carrying out of a professional activity in that State, where this date is prior to the date referred to under (a) or (b). However, if under the legislation of the country of residence entitlement to benefits in kind is subject not to conditions of insurance or the exercise of an activity, but to residence conditions, the date to be taken into account is the date on which professional activity commenced
- (d) the date from which there are no longer any family members in the Member State of residence who meet the conditions of entitlement to these benefits under that Member State's legislation, where this date is prior to the date referred to under (a) or (b).
5. The institution of the place of residence shall keep the list up to date by taking as a basis the particulars supplied by the competent institutions concerning acquisition of entitlement (Form E 109) or suspension or withdrawal of such entitlement (Form E 108), and taking account of the one-year validity of E 109 forms issued by the German, French, Italian and Portuguese institutions, though without prejudice to the form with which it is possible to end validity of this entitlement as soon as facts occur which, under the legislation of these Member States, justify the withdrawal or suspension of entitlement to benefits.
6. Where the members of the family of the employed or self-employed person transfer their place of residence to another Member State other than the competent Member State, the provisions of paragraph 1 shall again be applied.
7. For the purposes of calculating the number of monthly lump-sum payments, the period during which the persons concerned may claim benefits shall be counted in months.

The number of months shall be obtained by counting as a whole month the calendar month which contains the day from which the calculation of the lump sums has been made.

The calendar month during which entitlement has ceased shall not be counted unless it is a complete month.

If the period is less than one month, it shall be counted as a month.

8. Where the members of an employed or self-employed person's family are living in different countries of residence other than the competent State, and where the conditions of entitlement to benefits in kind are met in each of the countries of residence, a lump sum shall be calculated for each State.
9. The lump sums shall be calculated on the basis of the figures obtained from the forms mentioned in paragraph 5.

II. LIST PROVIDED FOR IN ARTICLE 95(4)

Pensioners and/or members of their families

1. For the purposes of applying paragraphs 1 to 3 of Article 29 and paragraphs 1 and 5 of Article 30 of Regulation (EEC) No 574/72, the following procedure shall be laid down

At the request of the pensioner or of a member of his family, the institution responsible for the pension, or the competent sickness insurance organisation of the Member State responsible for the pension shall, after completing Part A of Form E 121, forward two copies to the person concerned. The latter must submit the two copies to the sickness insurance institution of his place of residence when registering for the granting of benefits in kind.

If the person does not submit the said certificate, the institution of the place of residence shall ask the institution responsible for issuing Form E 121 to do so by means of Form E 107, whereupon the latter institution shall forward Form E 121 in duplicate to the institution of the place of residence. In the mean time, the latter institution may provisionally register the person on the basis of such documentation as is acceptable to it, but this registration is not valid *vis-à-vis* the other institution until the latter has issued the E 121 form.

After completing Part B, the institution of the place of residence of the person shall return a copy of Form E 121 to the institution which issued it.

Form E 121 is issued in respect of a particular individual. Where appropriate, one such form will be issued to the pensioner and/or one for each member of his family not residing in the Member State responsible for the pension.

2. The date with effect from which the lump sums shall be calculated is:
 - (a) the date on which entitlement to benefits in kind is acquired under the legislation of the competent Member State; this date is recorded on Form E 121
 - (b) the date of change of residence, where this is subsequent to the date referred to under (a); this date is recorded on Form E 121
 - (c) the day following the date on which entitlement to benefits under Form E 106, E 109, E 111, E 112, E 120 or E 128 ends, if one of these forms has been issued and specifies a precise date for the end of entitlement; this date is recorded on Form E 121
 - (d) the date on which the institution of the place of residence receives Form E 121. This date is recorded on this form and constitutes the date on which Form E 106, E 109, E 111, E 112, E 120 or E 128 ceases to apply, if one of these forms has been issued and no final validity date is specified.

If the pensioner or one of the members of his family is still entitled to receive benefits, in connection with carrying out a professional activity or receiving a replacement income, under the legislation of their country of residence or of another Member State, on a priority basis, in accordance with the regulations, the lump sums shall be calculated from the day following the date on which such entitlement ends.

3. The institution issuing Form E 121 shall inform the institution of the place of residence of the suspension or withdrawal of entitlement to benefits in kind by forwarding two copies of Form E 108, with part A completed. After completing Part B, the institution of the place of residence shall return one of these copies to the competent institution.

Where the E 108 form suspends or cancels an E 121 form, it shall, like the E 121 form, be issued in respect of a particular individual; in the event of the suspension or cancellation of a number of E 121 forms for members of the same family, as many E 108 forms must be issued as there are E 121 forms involved, even if the suspension or cancellation dates are identical or if all the persons concerned are registered with the same institution of the place of residence.

4. The date with effect from which the lump sums shall cease to be paid is:
 - (a) the date of suspension or withdrawal of entitlement, if Form E 108 is received by the institution of the place of residence within three months of that date. The date is recorded on this form and constitutes the date on which Form E 121 ceases to apply
 - (b) the date on which Form E 108 is received by the institution of the place of residence, where this is more than three months after the date of suspension or withdrawal of entitlement. The date of receipt is recorded on this form and constitutes the date on which Form E 121 ceases to apply
 - (c) the date of death of the pensioner or of a member of his family or the date on which the pensioner or member of his family changes residence to another Member State, where this date is prior to the date referred to under (a) or (b)

- (d) the date on which entitlement to benefits in kind under the legislation of the country of residence or of another Member State is acquired in accordance with the regulations in connection with the carrying out of a professional activity in this State or the granting of a pension under the legislation of that same State, where this date is prior to the date referred to under (a) or (b). However, if under the legislation of the country of residence entitlement to benefits in kind is subject not to conditions of insurance or the exercise of an activity but to residence conditions, the date to be taken into account is the date on which the professional activity was first carried out or the date on which the pension first became payable
- (e) the date from which a member of the pensioner's family in the Member State of residence ceases to meet the conditions of entitlement to benefits in kind under the legislation of that country, where this date is prior to the date referred to under (a) or (b).
5. The institution of the place of residence shall keep the list up to date by taking as a basis the particulars supplied by the institution responsible for the pension, or the competent sickness insurance organisation of the Member State responsible for the pension, concerning acquisition of entitlement (Form E 121) or the suspension or withdrawal of entitlement to benefits (Form E 108), and taking account of the one-year validity period of E 121 forms issued by the German, French, Italian and Portuguese institutions for the family members of pensioners, though without prejudice to the form with which it is possible to end validity of this entitlement as soon as facts occur which, under the legislation of these Member States, justify the withdrawal or suspension of entitlement to benefits.
6. Where the pensioner or a member of his family transfers his or her place of residence to another Member State, other than the Member State responsible for the pension, paragraph 1 shall again be applied.
7. For the purposes of calculating the number of monthly lump-sum payments, the period during which the persons concerned may claim benefits shall be counted in months.

The number of months shall be obtained by counting as a whole month the calendar month which contains the day from which the calculation of the lump sums has been made.

The calendar month during which entitlement has ceased shall not be counted unless it is a complete month.

If the period is less than one month, it shall be counted as a month.

8. The lump sums shall be calculated on the basis of the figures obtained from the forms mentioned in paragraph 5.

Article 2

For the purposes of applying Article 102 (2) of Regulation (EEC) No 574/72, the institutions of the place of residence shall forward every year to their national institutions and bodies designated in Annex 10 of Regulation (EEC) No 574/72 the individual statements of monthly lump-sum payments (Form E 127) drawn up on the basis of the lists provided for in Articles 94 and 95 of Regulation (EEC) No 574/72

The designated institutions and bodies of the country of residence shall send the aforementioned statements to the designated institutions and bodies of the competent State.

The E 127 forms shall indicate the number of monthly lump-sum payments due in respect of a single year for each family of an employed or self-employed person. In the case of pensioners and/or members of their families, the E 127 forms shall indicate the number of monthly lump-sum payments per person due in respect of a single year.

Article 3

On the entry into force of this Decision, a list of those persons and/or members of their families entitled, under an E 121 or E 122 form issued prior to this date and still valid, to benefits in kind in their State of residence shall be compiled in accordance with the following procedure:

- E 121 (family) forms remain valid until they are cancelled and/or replaced for the pensioner only, thus excluding the members of the pensioner's family
- in respect of each member of the family of a pensioner previously registered on the basis of a former E 121 (family) form, a new E 121 (individual) form is to be issued, taking effect on the entry into force of this Decision. This latter date shall serve as the commencement date for the purposes of calculating lump-sum payments in respect of this person
- the above provisions shall also apply to each member of the family of a pensioner previously registered on the basis of an E 122 form.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

It replaces Decision No 141 of 17 October 1989.

It shall be applicable from 1 January 1998.

However, in relations with France:

the provisions of the present Decision concerning the establishment of the lists provided for in Article 95 (4) of Regulation (EEC) No 574/72, which result from the introduction into Article 95 of this Regulation of an average cost per person for pensioners and the members of their families, shall apply only from 1 January 2002;

the provisions of Decision No 141 of 17 October 1989 concerning the establishment of the lists provided for in Article 95 (4) of Regulation (EEC) No 574/71, in its version prior to 1 January 1998, which result from the calculation of an average cost per family unit for pensioners and members of their families, shall remain applicable until 31 December 2001.

*The Chairman of the Administrative
Commission*

Peter CLEASBY

CORRIGENDA

Corrigendum to Commission Directive 98/64/EC of 3 September 1998 establishing Community methods of analysis for the determination of amino-acids, crude oils and fats, and olaquinox in feedingstuffs and amending Directive 71/393/EEC

(Official Journal of the European Communities L 257 of 19 September 1998)

Page 28, Annex, Part C 'DETERMINATION OF OLAQUINOX', point 7.2 'Repeatability':

for: '... between 10 and 20 mg/kg.'

read: '... between 10 and 200 mg/kg.'

Corrigendum to Council Decision 98/545/EC, Euratom of 15 September 1998 appointing the members of the Economic and Social Committee for the period from 21 September 1998 to 20 September 2002

(Official Journal of the European Communities L 257 of 19 September 1998)

On page 43, in the Annex, under 'ITALIA':

for: 'Franco GHIRIACO
Segretario generale Federazione italiana lavoratori chimici e affini (FILCEA)
Confederazione italiana sindacati lavoratori (CISL)
...
Susanna FLORIO
Addetta Ufficio internazionale
Confederazione italiana sindacati lavoratori (CISL),'

read: 'Franco CHIRIACO
Segretario generale Federazione italiana Lavoratori chimici e affini (FILCEA)
Confederazione generale italiana del lavoro (CGIL)
...
Susanna FLORIO
Addetta Ufficio internazionale CGIL
Confederazione generale italiana del lavoro (CGIL).'
