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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2292/98
of 23 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 24 October 1998.

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

Done at Brussels, 23 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 23 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
0702 00 00	060	80,7
	204	86,6
	999	83,6
0707 00 05	052	73,5
	999	73,5
0709 90 70	052	88,4
	999	88,4
0805 30 10	052	58,0
	388	62,1
	524	53,5
	528	53,2
0806 10 10	999	56,7
	052	119,2
	064	69,2
	400	206,2
	999	131,5
0808 10 20, 0808 10 50, 0808 10 90	060	39,8
	064	42,1
	388	30,3
	400	75,3
	404	79,3
	800	156,9
	999	70,6
	052	99,0
0808 20 50	064	59,8
	400	84,2
	720	97,9
	728	126,7
	999	93,5

⁽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 2293/98
of 23 October 1998
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 1987/98 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 October 1998.

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

Done at Brussels, 23 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ L 256, 18. 9. 1998, p. 19.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C				
Medlemsstat eller region	Kategori A	Kategori C				
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C				
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α	Κατηγορία Γ				
Member States or regions of a Member State	Category A	Category C				
États membres ou régions d'États membres	Catégorie A	Catégorie C				
Stati membri o regioni di Stati membri	Categoria A	Categoria C				
Lidstaat of gebied van een lidstaat	Categorie A	Categorie C				
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C				
Jäsenvaltiot tai alueet	Luokka A	Luokka C				
Medlemsstater eller regioner	Kategori A	Kategori C				
	U	R	O	U	R	O
België/Belgique		×				
Deutschland		×				
Ireland				×	×	×
Great Britain					×	
France		×				
Nederland		×				

COMMISSION REGULATION (EC) No 2294/98
of 23 October 1998
opening intervention in accordance with Article 6(4) of Council Regulation (EEC)
No 805/68

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 6(7) thereof,

Whereas Article 6(4) of Regulation (EEC) No 805/68 provides that intervention must be opened in a Member State or region of a Member State if for two consecutive weeks the average Community market price of young uncastrated male animals less than two years old or castrated male animals, recorded on the basis of the Community grading scale is less than 78 % of the intervention price and the average market price in the Member State concerned, calculated on the same basis, is less than 60 % of the intervention price;

Whereas where the conditions are met, all offers to sell into intervention must be accepted in the Member State or region of the Member State concerned for those products referred to in Article 4 of Commission Regulation

(EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾;

Whereas the conditions referred to above are met in relation to castrated male animals in Northern Ireland,

HAS ADOPTED THIS REGULATION:

Article 1

Intervention, as referred to in Article 6(4) of Regulation (EEC) No 805/68, is opened in the Member States and regions of the Member States listed in the Annex to this Regulation for the categories and qualities referred to therein.

Article 2

This Regulation shall enter into force on 27 October 1998.

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

Done at Brussels, 23 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 351, 23. 12. 1997, p. 20.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 genannten
Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1

Member States or regions of a Member State and quality groups referred to in Article 1

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1

In artikel 1 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no artigo 1^o

Jäsenvaltiot tai alueet ja 1 artiklassa tarkoitettut laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C				
Medlemsstat eller region	Kategori A	Kategori C				
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C				
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α	Κατηγορία Γ				
Member States or regions of a Member State	Category A	Category C				
États membres ou régions d'États membres	Catégorie A	Catégorie C				
Stati membri o regioni di Stati membri	Categoria A	Categoria C				
Lidstaat of gebied van een lidstaat	Categorie A	Categorie C				
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C				
Jäsenvaltiot tai alueet	Luokka A	Luokka C				
Medlemsstater eller regioner	Kategori A	Kategori C				
	U	R	O	U	R	O
Northern Ireland				×	×	×

COMMISSION REGULATION (EC) No 2295/98
of 22 October 1998
concerning the stopping of fishing for saithe by vessels flying the flag of a
Member State

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 47/98 of 20 December 1997 allocating, for 1998, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽³⁾, provides for the saithe quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of saithe in the waters of ICES divisions I and IIa and b (Norwegian waters north of 62°N) by vessels flying the flag of a Member State or

registered in a Member State have reached the quota allocated for 1998,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions I and IIa and b (Norwegian waters north of 62°N) by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota allocated to the Community for 1998.

Fishing for saithe in the waters of ICES divisions I and IIa and b (Norwegian waters north of 62°N) by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 22 October 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 58.

COMMISSION REGULATION (EC) No 2296/98**of 23 October 1998****amending Regulation (EC) No 28/97 and assessing requirements for the supply of certain vegetable oils (other than olive oil) for the processing industry in the French overseas departments**

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

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

Whereas Commission Regulation (EC) No 28/97 of 9 January 1997 laying down detailed rules for implementation of the specific measures for the supply of certain vegetable oils for the processing industry in the French overseas departments and assessing supply requirements ⁽³⁾, as amended by Regulation (EC) No 96/98 ⁽⁴⁾, establishes the supply requirements for those products for 1998;

Whereas for 1998 the supply requirements of the department of Réunion are assessed at 8 000 tonnes in the case of vegetable oils (other than olive oil); whereas the information supplied by the French authorities indicates that

this quantity will be insufficient to cover the requirements of Réunion's processing industry; whereas it should therefore be increased to 9 200 tonnes; whereas the Annex to Regulation (EC) No 28/97 should therefore be amended;

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

The Annex to Regulation (EC) No 28/97 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 23 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 6, 10. 1. 1997, p. 15.

⁽⁴⁾ OJ L 9, 15. 1. 1998, p. 29.

*ANNEX**ANNEX*

Assessment of supply requirements for vegetable oils (other than olive oil) for the processing industry falling within CN codes 1507 to 1516 (except 1509 and 1510) for the French overseas departments for 1998.

Department	Quantity (in tonnes)
French Guiana	400
Martinique	2 000
Réunion	9 200
Guadeloupe	300
Total	11 900'

COMMISSION REGULATION (EC) No 2297/98**of 23 October 1998****establishing the quantities to be allocated to importers from the 1999
Community quantitative quotas on certain products originating in the People's
Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas⁽¹⁾, as amended by Regulation (EC) No 138/96⁽²⁾, and in particular Articles 9 and 13 thereof,

Having regard to Commission Regulation (EC) No 1555/98 of 17 July 1998 establishing administration procedures for the 1999 quantitative quotas for certain products originating in the People's Republic of China⁽³⁾, and in particular Article 6 thereof,

Whereas Regulation (EC) No 1555/98 established the portion of each of the quotas concerned reserved for traditional and other importers and the conditions and methods for participating in the allocation of the quantities available; whereas importers have lodged applications for import licences with the competent national authorities between 19 July and 3 p.m., Brussels time, on 11 September, in accordance with Article 3 of Regulation (EC) No 1555/98;

Whereas the Commission has received from the Member States, pursuant to Article 5 of Regulation (EC) No 1555/98, particulars of the numbers and aggregate volume of import licence applications submitted and the total volume imported by traditional importers in 1996 or 1997, the reference years;

Whereas the Commission is now able, on the basis of that information, to establish uniform quantitative criteria by which the competent national authorities may satisfy licence applications submitted by importers in the Member States for the 1999 quantitative quotas;

Whereas examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by traditional importers for the products listed in Annex I to this Regulation exceeds the portion of the quota set aside for them; whereas the applications must therefore be met by applying the uniform rate of reduction/increase shown in Annex I to the volume of each

importer's imports, expressed in quantity or value terms, over the reference period;

Whereas examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by non-traditional importers for the products listed in Annex II to this Regulation exceeds the portion of the quota set aside for them; whereas the applications must therefore be met by applying the uniform rate of reduction shown in Annex II to the amounts requested by each importer, as limited by Regulation (EC) No 1555/98;

Whereas examination of the figures supplied by Member States shows that the total applications submitted by non-traditional importers for products listed in Annex III to this Regulation amount to less than the portion of the quota set aside for them; whereas those applications should therefore be met in full, up to the maximum amount that can be requested by each importer under Regulation (EC) No 1555/98,

HAS ADOPTED THIS REGULATION:

Article 1

In response to licence applications in respect of the products listed in Annex I duly submitted by traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to his imports for 1996 or 1997, as indicated by the importer, adjusted by the rate of reduction/increase specified in the said Annex for each quota.

Where the use of this quantitative criterion would entail allocating an amount greater than that applied for, the quantity or value allocated shall be limited to that specified in the application.

Article 2

In response to licence applications in respect of the products listed in Annex II duly submitted by non-traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to the amount requested within the limits set by Regulation (EC) No 1555/98, adjusted by the rate of reduction specified in the said Annex for each quota.

⁽¹⁾ OJ L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ L 21, 27. 1. 1996, p. 6.

⁽³⁾ OJ L 202, 18. 7. 1998, p. 34.

Article 3

Licence applications in respect of the products listed in Annex III duly submitted by non-traditional importers shall be met in full by the competent national authorities, within the limits set by Regulation (EC) No 1555/98.

Article 4

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, 23 October 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

**Rate of reduction/increase applicable to imports in 1996 or 1997
(traditional importers)**

Product description	HS/CN code	Rate of reduction/increase (%)
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	- 21,89
	6403 51 6403 59	+ 9,96
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	- 23,30
	ex 6404 11 ⁽²⁾	- 14,24
	6404 19 10	+ 82,10
Tableware, kitchenware of porcelain or china	6911 10	- 13,19
Ceramic tableware or kitchenware	6912 00	- 18,70

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX II

**Rate of reduction applicable to the volume requested within the limits of the maximum amounts fixed by Regulation (EC) No 1555/98
(non-traditional importers)**

Product description	HS/CN code	Rate of reduction (%)
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	– 5,89
	6403 51 6403 59	– 91,03
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	– 70,54
	ex 6404 11 ⁽²⁾	– 54,81
	6404 19 10	– 7,90
Ceramic tableware or kitchenware	6912 00	– 18,99

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX III

**Products in respect of which import licence applications may be met in full within the limits of the maximum amounts fixed by Regulation (EC) No 1555/98
(non-traditional importers)**

Product description	HS/CN code
Tableware, kitchenware of porcelain or china	6911 10

COMMISSION REGULATION (EC) No 2298/98
of 23 October 1998

**determining the extent to which applications lodged in October 1998 for import
licences for certain egg sector products and poultrymeat pursuant to Regulations
(EC) No 1474/95 and (EC) No 1251/96 can be accepted**

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

Having regard to Commission Regulation (EC) No 1474/
95 ⁽¹⁾ opening and providing for the administration of the
tariff quotas in the egg sector and for egg albumin, as last
amended by Regulation (EC) No 1371/98 ⁽²⁾, and in
particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/
96 of 28 June 1996 opening and providing for the admin-
istration of tariff quotas in the poultrymeat sector and
albumin ⁽³⁾, as last amended by Regulation (EC) No 1370/
98 ⁽⁴⁾ and in particular Article 5(5) thereof,

Whereas the applications for import licences lodged for
the fourth quarter of 1998 are, in the case of certain
products, for quantities less than or equal to the quantities
available and can therefore be met in full, but in the case
of other products the said applications are for quantities

greater than the quantities available and must therefore be
reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1
October to 31 December 1998 submitted pursuant to
Regulations (EC) No 1474/95 and (EC) No 1251/96 shall
be met as referred to in Annex I.
2. During the first 10 days of the period 1 January to
31 March 1999 applications may be lodged pursuant to
Regulations (EC) No 1474/95 and (EC) No 1251/96 for
import licences for the total quantity as referred to in
Annex II.

Article 2

This Regulation shall enter into force on 24 October
1998.

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

Done at Brussels, 23 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 145, 29. 6. 1995, p. 19.

⁽²⁾ OJ L 185, 30. 6. 1998, p. 17.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 136.

⁽⁴⁾ OJ L 185, 30. 6. 1998, p. 15.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1998
E1	—
E2	100,00
E3	100,00
P1	100,00
P2	100,00
P3	4,04
P4	100,00

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 January to 31 March 1999
E1	87 296,00
E2	2 826,70
E3	6 334,21
P1	2 695,00
P2	979,12
P3	117,00
P4	261,00

COMMISSION REGULATION (EC) No 2299/98
of 23 October 1998

determining the extent to which applications lodged in October 1998 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

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

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1514/97 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the period 1 October to 31 December 1998 are greater

than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 October to 31 December 1998 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 24 October 1998.

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

Done at Brussels, 23 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 156, 23. 6. 1994, p. 9.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 October to 31 December 1998
1	2,36
2	2,36
3	2,48
4	100,00
5	4,13

COMMISSION REGULATION (EC) No 2300/98
of 23 October 1998

**determining the extent to which applications lodged in October 1998 for import
licences for certain poultrymeat sector products pursuant to Regulation (EC) No
509/97 can be accepted**

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

Having regard to Commission Regulation (EC) No 509/
97 of 20 March 1997 laying down procedures for applying
in the poultrymeat sector the Interim Agreement on trade
and accompanying measures between the European
Community, the European Coal and Steel Community
and the European Atomic Energy Community, of the one
part, and the Republic of Slovenia, of the other part ⁽¹⁾, as
amended by Regulation (EC) No 1514/97 ⁽²⁾, and in
particular Article 4(5) thereof,

Whereas the applications for import licences lodged for
the fourth quarter of 1998 are for quantities less than the
quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available
for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 October
to 31 December 1998 submitted pursuant to Regulation
(EC) No 509/97 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 24 October
1998.

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

Done at Brussels, 23 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 80, 21. 3. 1997, p. 3.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1998
80	—
90	100,00
100	100,00

COMMISSION REGULATION (EC) No 2301/98
of 23 October 1998

determining the extent to which applications lodged in October 1998 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Romania and Bulgaria can be accepted

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

Having regard to Commission Regulation (EC) No 1899/97⁽¹⁾ setting rules of application in the poultrymeat and egg sectors for the arrangements covered by Council Regulation (EC) No 3066/95 and repealing Regulations (EEC) No 2699/93 and (EC) No 1559/94, and in particular Article 4(5) thereof,

Whereas the applications for import licences lodged for the fourth quarter of 1998 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 1998 submitted under Regulation (EC) No 1899/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 January to 31 March 1999 applications may be lodged pursuant to Regulation (EC) No 1899/97 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 24 October 1998.

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

Done at Brussels, 23 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 267, 30. 9. 1997, p. 67.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1998
1	3,97
2	3,44
4	100,00
7	2,49
8	18,87
9	3,58
10	100,00
11	100,00
44	7,59
45	100,00
12	100,00
14	—
15	4,24
16	100,00
17	—
18	—
19	100,00
21	100,00
23	100,00
24	100,00
25	100,00
26	100,00
27	100,00
28	—
30	—
32	—
33	—
34	—
35	—
36	—
37	7,20
38	43,47
39	—
40	100,00
43	—

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 January to 31 March 1999
1	1 638,75
2	373,75
4	13 518,53
7	2 415,00
8	603,75
9	1 380,00
10	1 304,36
11	373,75
44	316,25
45	1 189,85
12	1 336,75
14	3 018,75
15	1 408,75
16	966,00
17	1 293,75
18	258,75
19	412,38
21	2 043,00
23	1 817,63
24	115,00
25	4 521,25
26	207,00
27	1 837,50
28	293,25
30	1 552,50
32	603,75
33	431,25
34	2 156,25
35	172,50
36	862,50
37	143,75
38	143,75
39	1 380,00
40	407,10
43	862,50

COMMISSION REGULATION (EC) No 2302/98
of 23 October 1998
determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 ⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton ⁽⁴⁾, as last amended by Regulation (EC) No 1664/98 ⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers and quotations;

whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1844/98 ⁽⁶⁾ determined estimated production for the 1998/99 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 22,351 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3a), first sentence, of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 48,232 per 100 kilograms in Spain,
- ECU 47,169 per 100 kilograms in Greece,
- ECU 83,949 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 24 October 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 4.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 211, 29. 7. 1998, p. 9.

⁽⁶⁾ OJ L 240, 28. 8. 1998, p. 3.

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

Done at Brussels, 23 October 1998.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 October 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards aggregates

(notified under document number C(1998) 2923)

(Text with EEA relevance)

(98/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in Article 13(3)(a) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in Article 13(3)(b) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 9 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX I***AGGREGATES FOR USES WITHOUT HIGH SAFETY REQUIREMENTS****Aggregates**

For concrete, mortar, grout, bituminous mixtures, surface treatments, unbound and hydraulically bound mixtures used for roads and other civil engineering works.

Armourstones

For uses in hydraulic structures and other civil engineering works.

Railway ballast

For uses in railway works.

Fillers

For concrete, mortar, grout, bituminous mixtures and surface treatments used for roads and other civil engineering works.

*ANNEX II***AGGREGATES FOR USES WITH HIGH SAFETY REQUIREMENTS****Aggregates**

For concrete, mortar, grout, bituminous mixtures, surface treatments, unbound and hydraulically bound mixtures used for roads and other civil engineering works.

Armourstones

For uses in hydraulic structures and other civil engineering works.

Railway ballast

For uses in railway works.

Fillers

For concrete, mortar, grout, bituminous mixtures and surface treatments used for roads and other civil engineering works.

ANNEX III

PRODUCT FAMILY

AGGREGATES FOR USES WITHOUT HIGH SAFETY REQUIREMENTS (1/2)

1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product	Intended use	Level/s or class/es	Attestation of conformity system
Aggregates for: — concrete, mortar and grout — bituminous mixtures and surface treatments — unbound and hydraulically bound mixtures	For roads and other civil engineering works	—	4
Armourstones	For hydraulic structures and other civil engineering works	—	4
Railway ballast	For railway works	—	4
Fillers for: — concrete, mortar and grout — bituminous mixtures and surface treatments	For roads and other civil engineering works	—	4

System 4: see CPD Annex III(2)(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

AGGREGATES FOR USES WITH HIGH SAFETY REQUIREMENTS (2/2)

1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product	Intended use	Level/s or class/es	Attestation of conformity system
Aggregates for: — concrete, mortar and grout — bituminous mixtures and surface treatments — unbound and hydraulically bound mixtures	For roads and other civil engineering works	—	2+
Armourstones	For hydraulic structures and other civil engineering works	—	2+
Railway ballast	For railway works	—	2+
Fillers for: — concrete, mortar and grout — bituminous mixtures and surface treatments	For roads and other civil engineering works	—	2+

System 2+: see CPD Annex III(2)(ii), first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 12 October 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards liquid applied roof waterproofing kits

(notified under document number C(1998) 2924)

(Text with EEA relevance)

(98/599/EC)

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures pursuant to Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility,

with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for guidelines for European technical approvals.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

*ANNEX I***Liquid applied roof waterproofing kits**

For all uses, excluding those subject to reaction to fire regulations for products made of materials falling into classes A⁽¹⁾, B⁽¹⁾, C⁽¹⁾.

*ANNEX II***Liquid applied roof waterproofing kits:**

For uses subject to reaction to fire regulations for products made of materials falling into classes A⁽¹⁾, B⁽¹⁾, C⁽¹⁾.

⁽¹⁾ Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

ANNEX III

Note: For kits having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

LIQUID APPLIED ROOF WATERPROOFING KITS (1/3)

1. Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Liquid applied roof waterproofing kits	For all roof waterproofing uses	—	3

System 3: See CPD Annex III(2)(ii), second possibility.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, point 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

LIQUID APPLIED ROOF WATERPROOFING KITS (2/3)

1. Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Liquid applied roof waterproofing kits	For uses subject to external fire performance regulations	Products requiring testing	3
		Products 'deemed to satisfy' without testing (!)	4

System 3: See CPD Annex III(2)(ii), second possibility.

System 4: See CPD Annex III(2)(ii), third possibility.

(!) To be confirmed in discussions with the Fire Regulators Group.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, point 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

LIQUID APPLIED ROOF WATERPROOFING KITS (3/3)

1. Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Liquid applied roof waterproofing kits	For uses subject to reaction to fire regulations	A ⁽¹⁾ , B ⁽¹⁾ , C ⁽¹⁾	1
		A ⁽²⁾ , B ⁽²⁾ , C ⁽²⁾	3
		A ⁽³⁾ , D, E, F	4

System 1: See CPD Annex III(2)(i), without audit-testing of samples.

System 3: See CPD Annex III(2)(ii), second possibility.

System 4: See CPD Annex III(2)(ii), third possibility.

(¹) Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

(²) Materials for which the reaction to fire performance is not susceptible to change during the production process.

(³) Materials of class A that according to Decision 96/603/EC do not require to be tested for reaction to fire.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, point 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 12 October 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards self-supporting translucent roof kits (except glass-based kits)*(notified under document number C(1998) 2926)*

(Text with EEA relevance)

(98/600/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

or family of products, since Annex III gives preference to certain systems;

Having regard to the Treaty establishing the European Community,

Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13(4) thereof,

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

Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory-production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

HAS ADOPTED THIS DECISION:

Article 1

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory-production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory-production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for guidelines for European technical approvals.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 October 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

*ANNEX I***Self-supporting translucent roof kits (except glass-based kits)**

For all uses, excluding those subject to reaction to fire regulations for products made of materials falling into classes A⁽¹⁾, B⁽¹⁾, C⁽¹⁾.

*ANNEX II***Self-supporting translucent roof kits (except glass-based kits)**

For uses subject to reaction to fire regulations for products made of materials falling into classes A⁽¹⁾, B⁽¹⁾, C⁽¹⁾.

⁽¹⁾ Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

ANNEX III

Note: For kits having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

SELF-SUPPORTING TRANSLUCENT ROOF KITS (EXCEPT GLASS-BASED KITS) (1/3)**1. Systems of attestation of conformity**

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Self-supporting translucent roof kits (except glass-based kits)	For use in roofs and roof finishes	—	3

System 3: See CPD Annex III (2)(ii), second possibility.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

SELF-SUPPORTING TRANSLUCENT ROOF KITS (EXCEPT GLASS-BASED KITS) (2/3)**1. Systems of attestation of conformity**

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Self-supporting translucent roof kits (except glass-based kits)	For uses subject to external fire performance regulations	Products requiring testing	3
		Products 'deemed to satisfy' without testing (!)	4

System 3: See CPD Annex III (2)(ii), second possibility.

System 4: See CPD Annex III (2)(ii), third possibility.

(!) To be confirmed in discussions with the Fire Regulators Group.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

SELF-SUPPORTING TRANSLUCENT ROOF KITS (EXCEPT GLASS-BASED KITS) (3/3)**1. Systems of attestation of conformity**

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

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Self-supporting translucent roof kits (except glass-based kits)	For uses subject to reaction to fire regulations	A ⁽¹⁾ , B ⁽¹⁾ , C ⁽¹⁾	1
		A ⁽²⁾ , B ⁽²⁾ , C ⁽²⁾	3
		A ⁽³⁾ , D, E, F	4

System 1: See CPD Annex III (2)(i), without audit-testing of samples.

System 3: See CPD Annex III (2)(ii), second possibility.

System 4: See CPD Annex III (2)(ii), third possibility.

(¹) Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

(²) Materials for which the reaction to fire performance is not susceptible to change during the production process.

(³) Materials of class A that according to the Decision 96/603/EC do not require to be tested for reaction to fire.

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

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of the CPD and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 13 October 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards road construction products

(notified under document number C(1998) 2925)

(Text with EEA relevance)

(98/601/EC)

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures pursuant to Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility,

with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 October 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

*ANNEX I***Ancillary products (e.g. dowels, joint fillers, joint sealants)**

For uses in concrete roads

*ANNEX II***Bitumen (e.g. pure bitumen, polymer modified bitumen, fluxed bitumen, fluxed polymer modified bitumen, cut-back bitumen, bitumen emulsion, fluxed bitumen emulsion, polymer modified bitumen emulsion, fluxed polymer modified bitumen emulsion, naturally occurring asphalt/bitumen)**

For uses in road construction and surface treatment of roads

Bituminous mixtures (e.g. asphalt concrete including very soft asphalt and those for very thin layers, porous asphalt, mastic asphalt (Gussasphalt), stone mastic asphalt, hot rolled asphalt)

For uses in road construction and surface treatment of roads

Surface treatments (e.g. slurry for surfacing, microsurfacing, surface dressing)

For uses in surface treatment of roads

Bridge deck waterproofing products and kits (e.g. mastic asphalt, prefabricated membranes, preformed bituminous sheets, resins/polyurethane)

For uses in bridge decks

ANNEX III

Note: For products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

ROAD CONSTRUCTION PRODUCTS (1/2)

1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product	Intended use	Level/s or class/es	Attestation of conformity system
Bitumen	For road construction and surface treatment of roads	—	2+
Bituminous mixtures	For road construction and surface treatment of roads	—	2+
Surface treatments	For surface treatment of roads	—	2+
Bridge deck waterproofing products and kits	For bridge decks	—	2+
Ancillary products	For concrete roads	—	4

System 2+: See CPD Annex III(2)(ii), first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control.

System 4: See CPD Annex III(2)(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

ROAD CONSTRUCTION PRODUCTS (2/2)

1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product	Intended use	Level/s or class/es (reaction to fire)	Attestation of conformity system(s)
Bituminous mixtures Surface treatments	For uses subject to reaction to fire regulations	$A_{fl}^{(1)}, B_{fl}^{(1)}, C_{fl}^{(1)}$	1
		$A_{fl}^{(2)}, B_{fl}^{(2)}, C_{fl}^{(2)}$	3
		$A_{fl}^{(3)}, D_{fl}, E_{fl}, F_{fl}$	4

System 1: See CPD Annex III(2)(i), without audit-testing of samples.

System 3: See CPD Annex III(2)(ii), second possibility.

System 4: See CPD Annex III(2)(ii), third possibility.

(¹) Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

(²) Materials for which the reaction to fire performance is not susceptible to change during the production process.

(³) Materials of class A that according to the Decision 96/603/EC do not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 409/98 of 19 February 1998 amending the Annex to Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

(Official Journal of the European Communities L 55 of 25 February 1998)

On page 36, in the second column 'Description of goods', CN code ex 0406 90 33, second indent:
for: 'manufactured exclusively from sheep's and/or goat's milk',
read: 'manufactured exclusively from sheep's or sheep's and goat's milk'.

Corrigendum to Commission Regulation (EC) No 2238/98 of 16 October 1998 on the supply of white sugar as food aid

(Official Journal of the European Communities L 281 of 17 October 1998)

On page 15, in the Annex, at point 19:

for: '19. **Deadline for the submission of tenders (12 noon, Brussels time):**
— first deadline: 2.11.1998
— second deadline: 16.11.1998',
read: '19. **Deadline for the submission of tenders (12 noon, Brussels time):**
— first deadline: 3.11.1998
— second deadline: 16.11.1998'.
