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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 2314/98**  
**of 27 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the 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 28 October 1998.

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

Done at Brussels, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

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

## ANNEX

to the Commission Regulation of 27 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 <sup>(1)</sup>	Standard import value
0702 00 00	060	80,7
	204	70,4
	999	75,5
0707 00 05	052	73,5
	999	73,5
0709 90 70	052	93,4
	999	93,4
0805 30 10	052	57,6
	388	62,1
	524	27,8
	528	44,8
0806 10 10	999	48,1
	052	132,1
	400	237,1
0808 10 20, 0808 10 50, 0808 10 90	999	184,6
	060	32,1
	064	41,1
	388	35,0
	400	76,4
	404	62,7
	800	156,9
	999	67,4
0808 20 50	052	100,6
	064	60,2
	400	84,3
	720	97,9
	728	126,7
	999	93,9

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

**COMMISSION REGULATION (EC) No 2315/98**  
**of 27 October 1998**  
**concerning applications for export licences for rice and broken rice with advance**  
**fixing of the refund**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(3)</sup>, as last amended by Regulation (EC) No 444/98 <sup>(4)</sup>, and in particular the second subparagraph of Article 7(4) thereof,

Whereas Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported; whereas Commission Regulation (EC) No 2290/98 <sup>(5)</sup> fixes refunds under the procedure provided for in the abovementioned paragraph for 8 000 tonnes;

Whereas the quantities applied for on 23 October 1998 are in excess of the available quantity of 8 000 tonnes; whereas a percentage reduction should therefore be fixed

for export licence applications submitted on 23 October 1998;

Whereas, in view of its purpose, this Regulation should take effect from the day of its publication in the *Official Journal of the European Communities*,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for export licences for rice and broken rice with advance fixing of the refund submitted under Regulation (EC) No 2290/98 on 23 October 1998 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 35,30 % for rice destined for Switzerland and 41,99 % for rice for destinations 02, 03 and 05 in the Annex to Regulation (EC) No 2290/98 has been applied.

*Article 2*

Applications for export licences for rice and broken rice submitted from 24 October 1998 shall not give rise to the issue of export licences pursuant to Regulation (EC) No 2290/98.

*Article 3*

This Regulation shall enter into force on 28 October 1998.

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

Done at Brussels, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ L 265, 30. 9. 1998, p. 4.

<sup>(3)</sup> OJ L 117, 24. 5. 1995, p. 2.

<sup>(4)</sup> OJ L 56, 26. 2. 1998, p. 12.

<sup>(5)</sup> OJ L 286, 23. 10. 1998, p. 31.

## COMMISSION REGULATION (EC) No 2316/98

of 26 October 1998

## concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>(1)</sup>, as last amended by Commission Directive 98/19/EC<sup>(2)</sup>, and in particular Articles 9j and 3 thereof,

Whereas Directive 70/524/EEC provides that new additives or uses of additives may be authorised, taking account of advances in scientific and technical knowledge;

Whereas Council Directive 96/51/EC of 23 July 1996 amending Directive 70/524/EEC concerning additives in feedingstuffs<sup>(3)</sup> lays down a new procedure for the authorisation of additives by Regulation, which will be fully applicable from 1 October 1999; whereas during the transitional period the Member States must be able to adopt legal provisions to prevent any confusion as to the legislation in force; whereas the Member States must ensure that all legislation not complying with this Regulation is repealed;

Whereas new additives belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments' have been successfully tested in certain Member States; whereas the new additives should be provisionally authorised;

Whereas, in order to distinguish a new additive belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments' from another additive belonging to the same group which has already been authorised, the name of the latter should be changed;

Whereas new additives belonging to the group 'Trace elements', and more specifically to the elements 'Copper-Cu', 'Manganese-Mn' and 'Zinc-Zn', have been widely tested in some Member States; whereas, on the basis of the studies carried out, it appears that these new additives can be authorised;

Whereas, to prevent any negative effects on dogs, the maximum permitted level in a complete feedingstuff of

the additive Ethoxyquin, belonging to the group 'Anti-oxidants', should be reduced;

Whereas a new use for an additive belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments' which has already been authorised has been successfully tested in some Member States; whereas the new use should be provisionally authorised;

Whereas a new use for the additive 3-phytase belonging to the group 'Enzymes' which has already been authorised has been successfully tested in some Member States; whereas the new use should be provisionally authorised;

Whereas, in the interests of transparency, the Annexes to this Regulation include, where appropriate, other additives belonging to the same group or other authorised uses of the additive; whereas it is appropriate to extend by a specific period the deadline for authorisation of additives, which are already authorised at national level but study of which has not been completed, belonging to the same groups of additives as the substances newly authorised by this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Beta-carotene, belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments', may be authorised in accordance with Directive 70/524/EEC as additive E 160a in feedingstuffs under the conditions laid down in Annex I to this Regulation.

2. Astaxanthin-rich *Phaffia rhodozyma* (ATCC 74219), belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments', may be authorised in accordance with Directive 70/524/EEC as additive 12 in feedingstuffs under the conditions laid down in Annex I to this Regulation.

<sup>(1)</sup> OJ L 270, 14. 12. 1970, p. 1.

<sup>(2)</sup> OJ L 96, 28. 3. 1998, p. 39.

<sup>(3)</sup> OJ L 235, 17. 9. 1996, p. 39.

3. The substance 'cupric chelate of amino acids hydrate', belonging to the group 'Trace elements', element E4 'Copper-Cu', shall be authorised in accordance with Directive 70/524/EEC as an additive in feedingstuffs under the conditions laid down in Annex II to this Regulation.

4. The substance 'manganese chelate of amino hydrate', belonging to the group 'Trace elements', element E5 'Manganese-Mn', shall be authorised in accordance with Directive 70/524/EEC as an additive in feedingstuffs under the conditions laid down in Annex II to this Regulation.

5. The substance 'zinc chelate of amino acids hydrate', belonging to the group 'Trace elements', element E6 'Zinc-Zn', shall be authorised in accordance with Directive 70/524/EEC as an additive in feedingstuffs under the conditions laid down in Annex II to this Regulation.

#### *Article 2*

1. The conditions for authorisation of the additive E 324 Ethoxyquin, belonging to the group 'Antioxidants', shall be replaced in accordance with Directive 70/

524/EEC by the conditions laid down in Annex III to this Regulation.

2. Additive E161g Canthaxanthin, belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments' for the category of 'Pet and ornamental birds', may be authorised in accordance with Directive 70/524/EEC under the conditions laid down in Annex I to this Regulation.

3. Additive 3-phytase (EC 3.1.3.8), belonging to the group 'Enzymes', may be authorised in accordance with Directive 70/524/EEC under the conditions laid down in Annex IV to this Regulation.

4. Additive 11, Astaxanthin-rich *Phaffia rhodozyma*, belonging to Part 1 'Carotenoids and xanthophylls' of the group 'Colouring matters including pigments' for the category of animal 'Salmon, trout', may be authorised in accordance with Directive 70/524/EEC under the conditions laid down in Annex I to this Regulation.

#### *Article 3*

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

It shall apply from 15 December 1998.

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

Done at Brussels, 26 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX I

No	EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Duration of authorisation
						Minimum content mg/kg of complete feedingstuff	Maximum content			
		Colouring matters including pigments 1. Carotenoids and xanthophylls								
	E 160a	Beta-carotene	$C_{40}H_{56}$	Canaries	—	—	—	—	—	30. 9. 1999
	E 160c	Capsanthin	$C_{40}H_{56}O_3$	Poultry	—	—	80 (alone or with the other caro- tenoids and xantho- phylls)	—	—	Without a time limit
	E 160e	Beta-apo-8'-carotenal	$C_{30}H_{40}O$	Poultry	—	—	80 (alone or with the other caro- tenoids and xantho- phylls)	—	—	Without a time limit
	E 160f	Ethyl ester of beta-apo- 8'-carotenoic acid	$C_{32}H_{44}O_2$	Poultry	—	—	80 (alone or with the other caro- tenoids and xantho- phylls)	—	—	Without a time limit

No	EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Duration of authorisation
						Minimum content	Maximum content			
	E 161b	Lutein	$C_{40}H_{56}O_2$	Poultry	—	—	80 (alone or with the other carotenoids and xanthophylls)	—	—	Without a time limit
	E 161c	Cryptoxanthin	$C_{40}H_{56}O$	Poultry	—	—	80 (alone or with the other carotenoids and xanthophylls)	—	—	Without a time limit
	E 161g	Canthaxanthin	$C_{40}H_{52}O_2$	Poultry	—	—	80 (alone or with the other carotenoids and xanthophylls)	—	—	Without a time limit
				Salmon, trout	—	—	80	Use permitted from the age of six months onwards The mixture of canthaxanthin with astaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feedingstuff	Without a time limit	

No	EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Duration of authorisation
						Minimum content	Maximum content			
				Dogs, cats and ornamental fish	—	—	—	—	—	Without a time limit
				Pet and orna- mental birds	—	—	—	—	—	30. 9. 1999
	E 161h	Zeaxanthin	$C_{40}H_{56}O_2$	Poultry	—	—	80 (alone or with the other caro- tenoids and xantho- phylls)	—	—	Without a time limit
	E 161i	Citranaxanthin	$C_{33}H_{44}O$	Laying hens	—	—	80 (alone or with the other caro- tenoids and xantho- phylls)	—	—	Without a time limit
	E 161j	Astaxanthin	$C_{40}H_{52}O_4$	Salmon, trout	—	—	100	—	Use only permitted from the age of six months onwards The mixture of astaxan- thin with canthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feedingstuff	Without a time limit

No	EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Duration of authorisation
						Minimum content	Maximum content			
11		Astaxanthin-rich <i>Phaffia rhodozyma</i> (CBS 1116.94)	Concentrated biomass of the yeast <i>Phaffia rhodozyma</i> (CBS 1116.94), killed, containing at least 2,5 g astaxanthin per kilogram additive	Ornamental fish Salmon, trout	— —	— —	— 100	— The maximum content is expressed as astaxanthin Use only permitted from the age of six months onwards The mixture of the additive with canthaxanthin is allowed provided that the total concentration of astaxanthin and canthaxanthin does not exceed 100 mg/kg in the complete feedingstuff	Without a time limit 21. 4. 1999	
12		Astaxanthin-rich <i>Phaffia rhodozyma</i> (ATCC 74219)	Concentrated biomass of the yeast <i>Phaffia rhodozyma</i> (ATCC 74219), killed, containing at least 4,0 g astaxanthin per kilogram of additive and having a maximum ethoxyquin content of 2 000 mg/kg	Salmon, trout	—	—	100	The maximum content is expressed as astaxanthin Use permitted only from the age of six months onwards The mixture of the additive with canthaxanthin is allowed provided that the total concentration of astaxanthin and canthaxanthin does not exceed 100 mg/kg in the complete feedingstuff Ethoxyquin content to be declared	30. 9. 1999	

## ANNEX II

EC No	Element	Additive	Chemical formula	Maximum content of the element in mg/kg of the complete feedingstuff	Other provisions	Duration of authorisation
E4	Copper-Cu	Cupric acetate, monohydrate	$\text{Cu}(\text{CH}_3\text{COO})_2 \cdot \text{H}_2\text{O}$	<p>Pigs for fattening: in Member States where the mean density of the porcine population is equal to or higher than 175 pigs per 100 ha of utilisable agricultural land: — up to 16 weeks: 175 (total) — from 17th week up to slaughter: 35 (total)</p> <p>in Member States where the mean density of the porcine population is lower than 175 pigs per 100 ha of utilisable agricultural land: — up to 16 weeks: 175 (total) — from 17th week up to 6 months: 100 (total) — over six months up to slaughter: 35 (total)</p> <p>Breeding pigs: 35 (total)</p> <p>Calves: — milk replacers: 30 (total) — other complete feedingsuffs: 50 (total)</p> <p>Ovines: 15 (total)</p> <p>Other species or categories of animals: 35 (total)</p>	—	Without limit
		Basic cupric carbonate, monohydrate	$\text{CuCO}_3 \cdot \text{Cu}(\text{OH})_2 \cdot \text{H}_2\text{O}$			Without limit
		Cupric chloride, dihydrate	$\text{CuCl}_2 \cdot 2\text{H}_2\text{O}$			Without limit
		Cupric methionate	$\text{Cu}(\text{C}_3\text{H}_7\text{NO}_2\text{S})_2$			Without limit
		Cupric oxide	$\text{CuO}$			Without limit
		Cupric sulphate, pentahydrate	$\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$			Without limit
						Without limit
						Without limit

EC No	Element	Additive	Chemical formula	Maximum content of the element in mg/kg of the complete feedingstuff	Other provisions	Duration of authorisation
		Cupric sulphate, monohydrate	CuSO <sub>4</sub> · H <sub>2</sub> O	<p>Pigs for fattening in Member States where the mean density of the porcine population is equal to or higher than 175 pigs per 100 ha of utilisable agricultural land:</p> <ul style="list-style-type: none"> <li>— up to 16 weeks: 175 (total)</li> <li>— from 17th week up to slaughter: 35 (total)</li> </ul> <p>in Member States where the mean density of the porcine population is lower than 175 pigs per 100 ha of utilisable agricultural land:</p> <ul style="list-style-type: none"> <li>— up to 16 weeks: 175 (total)</li> <li>— from 17th week up to 6 months: 100 (total)</li> <li>— over six months up to slaughter: 35 (total)</li> </ul> <p>Breeding pigs: 35 (total)</p> <p>Ovines: 15 (total)</p> <p>Other species or categories of animals with the exception of calves: 35 (total)</p>	<p>Denatured skimmed milk powder and compound feedingsuffs manufactured from denatured skimmed milk powder</p> <ul style="list-style-type: none"> <li>— subject to the relevant provisions of Commission Regulations (EEC) No 368/77 and (EEC) No 443/77</li> <li>— declaration of the amount of copper added, expressed as the element, on the label or package or container of denatured skimmed milk powder</li> </ul>	Without a time limit
		Cupric sulphate, pentahydrate	CuSO <sub>4</sub> · 5H <sub>2</sub> O			

EC No	Element	Additive	Chemical formula	Maximum content of the element in mg/kg of the complete feedingstuff	Other provisions	Duration of authorisation
		Cupric chelate of amino acids hydrate	$\text{Cu (x)}_{1-3} \cdot n\text{H}_2\text{O}$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500	Pigs for fattening: in Member States where the mean density of the porcine population is equal to or higher than 175 pigs per 100 ha of utilisable agricultural land: — up to 16 weeks: 175 (total) — from 17th week up to slaughter: 35 (total) in Member States where the mean density of the porcine population is lower than 175 pigs per 100 ha of utilisable agricultural land: — up to 16 weeks: 175 (total) — from 17th week up to six months: 100 (total) — over six months up to slaughter: 35 (total) Breeding pigs: 35 (total) Other species or categories of animals, with the exception of calves prior to the start of rumination and sheep: 35 (total)	Not more than 20 mg/kg of copper in the complete feedingstuff may come from cupric chelate of amino acids hydrate	Without a time limit
E5	Manganese -Mn	Manganous carbonate	$\text{MnCO}_3$	250 (total)	—	Without a time limit
		Manganous chloride, tetrahydrate	$\text{MnCl}_2 \cdot 4\text{H}_2\text{O}$	250 (total)	—	Without a time limit
		Manganous hydrogen phosphate, trihydrate	$\text{MnHPO}_4 \cdot 3\text{H}_2\text{O}$	250 (total)	—	Without a time limit
		Manganous oxide	$\text{MnO}$	250 (total)	—	Without a time limit
		Manganic oxide	$\text{Mn}_2\text{O}_3$	250 (total)	—	Without a time limit
		Manganous sulphate, tetrahydrate	$\text{MnSO}_4 \cdot 4\text{H}_2\text{O}$	250 (total)	—	Without a time limit
		Manganous sulphate, monohydrate	$\text{MnSO}_4 \cdot \text{H}_2\text{O}$	250 (total)	—	Without a time limit

EC No	Element	Additive	Chemical formula	Maximum content of the element in mg/kg of the complete feedingstuff	Other provisions	Duration of authorisation
E6	Zinc-Zn	Manganese chelate of amino acids hydrate	$Mn(x)_{1-3} \cdot nH_2O$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500	250 (total)	Not more than 40mg/kg of manganese in the complete feedingstuff may come from manganese chelate of amino acids hydrate	Without a time limit
		Zinc lactate, trihydrate	$Zn(C_3H_5O_3)_2 \cdot 3H_2O$	250 (total)	—	Without a time limit
		Zinc acetate, dihydrate	$Zn(CH_3COO)_2 \cdot 2H_2O$	250 (total)	—	Without a time limit
		Zinc carbonate	$ZnCO_3$	250 (total)	—	Without a time limit
		Zinc chloride, monohydrate	$ZnCl_2 \cdot H_2O$	250 (total)	—	Without a time limit
		Zinc oxide	$ZnO$	250 (total)	Maximum content of lead: 600 mg/kg	Without a time limit
		Zinc sulphate, heptahydrate	$ZnSO_4 \cdot 7H_2O$	250 (total)	—	Without a time limit
		Zinc sulphate, monohydrate	$ZnSO_4 \cdot H_2O$	250 (total)	—	Without a time limit
		Zinc chelate of amino acids hydrate	$Zn(x)_{1-3} \cdot nH_2O$ (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500	250 (total)	Not more than 80 mg/kg of zinc in the complete feedingstuff may come from zinc chelate of amino acids hydrate	Without a time limit

## ANNEX III

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content mg/kg of complete feedingstuff	Other provisions	Duration of authorisation
					Minimum content	Maximum content			
E 320	Butylated hydroxyanisole (BHA)	$C_{11}H_{16}O_2$	All species or categories of animals except dogs	—	—	150: alone or together	All feedingsuffs	Without a time limit	
E 321	Butylated hydroxytoluene (BHT)	$C_{13}H_{24}O$		—	—				
E 324	Ethoxyquin	$C_{14}H_{19}ON$		—	—				
E 320	Butylated hydroxyanisole (BHA)	$C_{11}H_{16}O_2$	Dogs	—	—	150: alone or together	The mixture of ethoxyquin with BHA and/or BHT is allowed provided the total concentration of the mixture does not exceed 150 mg/kg of complete feedingstuff	Without a time limit	
E 321	Butylated hydroxytoluene (BHT)	$C_{13}H_{24}O$		—	—				
E 324	Ethoxyquin	$C_{14}H_{19}ON$	Dogs	—	—	100			

## ANNEX IV

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum activity		Maximum activity	Other provisions	Duration of authorisation
					Unit of activity per kg of complete feedingsuff	Unit of activity per kg of complete feedingsuff			
1	3-phytase (EC 3.1.3.8)	Preparation of 3-phytase produced by <i>Aspergillus niger</i> (CBS 114.94) having a minimum phytase activity of 5 000 FTU (1)/g for solid and liquid preparations	Pigs (all categories of animals) Chickens (all categories of animals) Turkeys	—	—	—	—	—	21. 4. 1999
				—	125 FTU	—	—	1. Indicate in the directions for use for the additive and the premixture the storage temperature, storage duration and stability on pelleting 2. Recommended dose per kg of complete feedingstuff: 200-800 FTU 3. For use in compound feedingstuffs with a minimum content of 0,3 % phytate, e.g. 20 % wheat	21. 4. 1999
				—	—	—	—	1. Indicate in the directions for use for the additive and the premixture the storage temperature, storage duration and stability on pelleting 2. Recommended dose per kg of complete feedingstuff: 200-800 FTU 3. For use in compound feedingstuffs with a minimum content of 0,3 % phytate, e.g. 20 % wheat	30. 9. 1999

(<sup>1</sup>) 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C.

COMMISSION REGULATION (EC) No 2317/98  
of 27 October 1998

amending Regulation (EC) No 1667/98 increasing to 126 559 tonnes the quantity of barley held by the Swedish 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1667/98<sup>(5)</sup>, as last amended by Regulation (EC) No 2043/98<sup>(6)</sup>, opened a standing invitation to tender for the export of 108 187 tonnes of barley held by the Swedish intervention agency; whereas, Sweden informed the Commission of the intention of its intervention agency to increase by 18 372 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Swedish intervention agency for which a standing invitation to tender for export has been opened should be increased to 126 559 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 1667/98 must therefore be amended;

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

Done at Brussels, 27 October 1998.

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 1667/98 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 126 559 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 126 559 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*.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 211, 29. 7. 1998, p. 17.

<sup>(6)</sup> OJ L 263, 26. 9. 1998, p. 15.

## ANNEX

## ANNEX I

*(tonnes)*

Place of storage	Quantity
Stallarholmen	2 062
Motala	2 807
Rök	4 994
Gamleby	2 835
Ättersta	7 584
Broddbo 1	5 997
Velanda	7 645
Hova	12 981
Brännarp	2 624
Helsingborg	37 526
Djurön	39 504'

## COMMISSION REGULATION (EC) No 2318/98

of 27 October 1998

amending Regulation (EC) No 1761/98 increasing to 71 000 tonnes the quantity of sorghum 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 1761/98<sup>(5)</sup>, as last amended by Regulation (EC) No 2043/98<sup>(6)</sup>, opened a standing invitation to tender for the export of 64 000 tonnes of sorghum held by the French intervention agency; whereas, France informed the Commission of the intention of its intervention agency to increase by 7 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of sorghum held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 71 000 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 1761/98 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 1761/98 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 71 000 tonnes of sorghum to be exported to all third countries.

2. The regions in which the 71 000 tonnes of sorghum are stored are stated in Annex I to this Regulation.<sup>2</sup>

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, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 221, 8. 8. 1998, p. 18.

<sup>(6)</sup> OJ L 263, 26. 9. 1998, p. 15.

*ANNEX**ANNEX I**(tonnes)*

Place of storage	Quantity
Région Sud-Ouest (Bordeaux-Toulouse)	51 200
Région Sud-Est (Lyon-Montpellier)	19 800'

**COMMISSION REGULATION (EC) No 2319/98  
of 27 October 1998**

**on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for supplying Madeira and repealing Regulation (EC) No 1462/98**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98 <sup>(2)</sup>, and in particular Article 7(3) thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 562/98 <sup>(4)</sup>, and in particular Article 10 thereof,

Whereas certain intervention agencies hold substantial stocks of beef bought into intervention; whereas an extension of the storage period should be avoided on account of the ensuing high costs;

Whereas the forecast supply balance for frozen meat for Madeira for the period 1 July 1998 to 30 June 1999 is laid down in Annex I to Commission Regulation (EEC) No 1913/92 of 10 July 1992 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the beef and veal sector <sup>(5)</sup>, as last amended by Regulation (EC) No 1322/98 <sup>(6)</sup>; whereas, in the light of traditional trade patterns, beef should be released from intervention for the purpose of supplying Madeira during that period;

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies <sup>(7)</sup>, as last amended by Regulation (EC) No 2417/95 <sup>(8)</sup>, provides for the possibility of a two-stage procedure for the sale of beef from intervention;

Whereas, in order to ensure that the tendering procedure is consistent and uniform, measures should be adopted in addition to those laid down in Commission Regulation

(EEC) No 2173/79 <sup>(9)</sup>, as last amended by Regulation (EC) No 2417/95;

Whereas the supply of beef and veal to Madeira from the Community is subject to the use of aid certificates issued by the competent Portuguese authorities in accordance with Commission Regulation (EEC) No 1696/92 of 30 June 1992 laying down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira <sup>(10)</sup>, as last amended by Regulation (EEC) No 2596/93 <sup>(11)</sup>; whereas, in order to improve the operation of the abovementioned arrangements, certain derogations from that Regulation should be laid down, in particular with regard to applications for and the issue of aid certificates;

Whereas the sale should be conducted in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 3002/92 <sup>(12)</sup>, as last amended by Regulation (EC) No 770/96 <sup>(13)</sup>, and (EEC) No 1696/92, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas it is necessary to provide for the lodging of a security to guarantee that the beef arrives at the intended destination;

Whereas Commission Regulation (EC) No 1462/98 <sup>(14)</sup> should be repealed;

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*

1. The sale shall take place of intervention products bought in under Article 6 of Regulation (EEC) No 805/68, of approximately:

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 17.

<sup>(3)</sup> OJ L 173, 27. 6. 1992, p. 1.

<sup>(4)</sup> OJ L 76, 13. 3. 1998, p. 6.

<sup>(5)</sup> OJ L 192, 11. 7. 1992, p. 35.

<sup>(6)</sup> OJ L 183, 26. 6. 1998, p. 29.

<sup>(7)</sup> OJ L 238, 6. 9. 1984, p. 13.

<sup>(8)</sup> OJ L 248, 14. 10. 1995, p. 39.

<sup>(9)</sup> OJ L 251, 5. 10. 1979, p. 12.

<sup>(10)</sup> OJ L 179, 1. 7. 1992, p. 6.

<sup>(11)</sup> OJ L 238, 23. 9. 1993, p. 24.

<sup>(12)</sup> OJ L 301, 17. 10. 1992, p. 17.

<sup>(13)</sup> OJ L 104, 27. 4. 1996, p. 13.

<sup>(14)</sup> OJ L 193, 9. 7. 1998, p. 24.

- 162 tonnes of boneless beef held by the French intervention agency,
- 400 tonnes of boneless beef held by the Irish intervention agency,
- 500 tonnes of bone-in beef held by the Portuguese intervention agency.

2. This meat shall be sold for delivery to Madeira pursuant to Regulation (EC) No 1322/98.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with Regulations (EEC) No 2539/84, (EEC) No 3002/92 and (EEC) No 1696/92.

4. The quantities and the minimum prices referred to in Article 3(1) of Regulation (EEC) No 2539/84 are set out in Annex I hereto.

5. The intervention agencies shall sell first those products in each product group which have been in storage longest.

Particulars of the quantities and places where the products are stored shall be made available to interested parties at the addresses given in Annex II.

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 5 November 1998.

7. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 6.

#### Article 2

1. After receiving a tender or purchase application, the intervention agency shall only conclude the contract after having checked with the competent Portuguese agency referred to in Annex III that the quantity concerned is available within the forecast supply balance.

2. The Portuguese agency shall immediately reserve for the applicant the quantity requested until receipt of the application for the relevant aid certificate. The certificate application must be accompanied by the original purchase invoice issued by the seller intervention agency or by a certified copy thereof.

The application for the aid certificate shall be submitted not later than 14 days after the date on which the purchase invoice is made out.

3. Notwithstanding Article 4(1) of Regulation (EEC) No 1696/92, the aid shall not be granted for meat sold pursuant to this Regulation.

4. Notwithstanding Article 4(4)(b) of Regulation (EEC) No 1696/92, box 24 of the aid certificate application and the aid certificate shall contain the entry 'aid certificate for use in Madeira — no aid to be paid'.

#### Article 3

Notwithstanding Article 4(2) of Regulation (EEC) No 2539/84, purchase applications may be submitted from the 10th working day following the date referred to in Article 1(6).

#### Article 4

The security provided for in Article 5(1) of Regulation (EEC) No 2539/84 shall be:

- ECU 3 000 per tonne for boneless beef,
- ECU 2 000 per tonne for bone-in beef.

Delivery of the products concerned to Madeira not later than 30 June 1999 shall be a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>. Proof of compliance with this requirement must be provided not later than two months after completion of formalities with the competent authorities in Madeira for the delivery concerned.

#### Article 5

The removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92 and the T 5 control copy shall contain the entry:

- Carne de intervención destinada a Madeira — sin ayuda [Reglamento (CE) n° 2319/98]
- Interventionskød til Madeira — uden støtte (forordning (EF) nr. 2319/98)
- Interventionsfleisch für Madeira — ohne Beihilfe (Verordnung (EG) Nr. 2319/98)
- Κρέας από την παρέμβαση για τη Μαδέρα — χωρίς ενισχύσεις [Κανονισμός (ΕΚ) αριθ. 2319/98]
- Intervention meat for Madeira — without the payment of aid (Regulation (EC) No 2319/98)
- Viandes d'intervention destinées à Madère — sans aide (règlement (CE) n° 2319/98)
- Carni in regime d'intervento destinate a Madera — senza aiuto [regolamento (CE) n. 2319/98]
- Interventievlees voor Madeira — zonder steun (Verordening (EG) nr. 2319/98)

<sup>(1)</sup> OJ L 205, 3. 8. 1985, p. 5.

— Carne de intervenção destinada à Madeira — sem ajuda [Regulamento (CE) n.º 2319/98]

*Article 6*

Regulation (EC) No 1462/98 is hereby repealed.

— Madeiralle osoitettu interventioliha — ilman tukea (Asetus (EY) N:o 2319/98)

*Article 7*

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

— Interventionskött för Madeira — utan bidrag (Förordning (EG) nr 2319/98).

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

Done at Brussels, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada (1)
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton (1)
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne (1)
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο (1)
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ECU per tonne (1)
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne (1)
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata (1)
Lidstaat	Producten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ECU per ton (1)
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada (1)
Jäsenvaltio	Tuotteet	Arvioitu määrä (tonneina)	Alimmat hinnat ecuna tonnilta (1)
Medlemsstat	Produkter	Ungefärlig kvantitet (ton)	Lägsta priser i ecu per ton (1)

a) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött

FRANCE	— Tranche (INT 13)	62	1 300
	— Entrecôte (INT 19)	100	1 300
IRELAND	— Topside (INT 13)	100	1 300
	— Rump (INT 16)	100	1 100
	— Striploin (INT 17)	100	2 300
	— Forerib (INT 19)	100	1 300

b) Cuartos traseros con hueso — Bagfjerdinger, ikke udbenet — Hinterviertel mit Knochen — Οπισθια τέταρτα με κόκαλα — Bone-in hindquarters — Quartiers arrière avec os — Quarti posteriori non disossati — Achtervoeten met been — Quartos traseiros com osso — Luullinen takaneljännes — Bakkvartsparter med ben

PORTUGAL	— Quartos traseiros	500	800
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(1) Estos precios se entienden peso neto de acuerdo con las disposiciones del apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

(1) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1. i forordning (EØF) nr. 2173/79.

(1) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(1) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(1) These prices shall apply to net weight in accordance with the provisions of Article 17(1) of Regulation (EEC) No 2173/79.

(1) Ces prix s'entendent poids net conformément aux dispositions de l'article 17, paragraphe 1, du règlement (CEE) n° 2173/79.

(1) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.

(1) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(1) Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

(1) Asetuksen (ETY) N:o 2173/79 17 artiklan 1 kohdan mukaiset nettopainohinnat.

(1) Dessa priser gäller nettovikt enligt bestämmelser i artikel 17.1 i förordning (EEG) nr 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —  
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses  
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli  
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos  
de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

FRANCE:

OFIVAL

80, avenue des Terroirs-de-France

F-75607 Paris Cedex 12

Téléphone: (33 1) 44 68 50 00; télex: 215330; télécopieur: (33 1) 44 68 52 33

IRELAND:

Department of Agriculture, Food and Forestry

Agriculture House

Kildare Street

IRL-Dublin 2

Tel. (01) 678 90 11, ext. 2278 and 3806

Telex 93292 and 93607, telefax (01) 661 62 63, (01) 678 52 14 and (01) 662 01 98

PORTUGAL:

Instituto Nacional de Intervenção e Garantia Agrícola

Rua Fernando Curado Ribeiro, 4-G

P-1600 Lisboa

Tel.: (351-1) 751 85 00; telefax (351-1) 751 86 15

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

— Organismo portugués a que se refiere el apartado 1 del artículo 2

— Det portugisiske organ, der omhandles i artikel 2, stk. 1

— In Artikel 2 Absatz 1 genannte portugiesische Stelle

— Ο πορτογαλικός οργανισμός που αναφέρεται στο άρθρο 2, παράγραφος 1

— The Portuguese agency referred to in Article 2(1)

— L'organisme portugais visé à l'article 2, paragraphe 1

— L'organismo portoghese di cui all'articolo 2, paragrafo 1

— De in artikel 2, lid 1, bedoelde Portugese instantie

— O organismo português referido no n.º 1 do artigo 2.º

— 2 artiklan 1 kohdassa tarkoitettu Portugalin toimielin

— Det portugisiske organ som anges i artikel 2.1

Direcção-Geral das Relações Económicas Internacionais

Avenida da República, 79

P-1094 Lisboa Codex

Tel.: (351-1) 791 19 43/791 18 00; telefax: (351-1) 796 37 23.

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**COMMISSION REGULATION (EC) No 2320/98**  
**of 27 October 1998**

**amending Regulation (EC) No 2144/98 on the sale, at prices fixed in advance, of  
beef held by certain intervention agencies, with a view to their processing in the  
Community**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1633/98<sup>(2)</sup>, and in particular Article 7(3) thereof,

Whereas Commission Regulation (EC) No 2144/98 of 6 October 1998 on the sale, at prices fixed in advance, of beef held by certain intervention agencies, with a view to their processing in the Community<sup>(3)</sup> provides for a sale of intervention stocks held by various Member States; whereas certain rates of security should be adjusted; whereas the quantities stated in that Regulation should be amended to take account of the stocks held by certain intervention agencies;

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*

Regulation (EC) No 2144/98 is hereby amended as follows:

1. In Article 5(2):

(a) the fifth indent is replaced by the following:

‘— ECU 1 750 for deboned beef processed into A products,’

(b) the sixth indent is replaced by the following:

‘— ECU 1 600 for deboned beef processed into B products or a mixture of A and B products.’

2. Annex I is replaced by the Annex of this Regulation.

*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, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 17.

<sup>(3)</sup> OJ L 270, 7. 10. 1998, p. 31.

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

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

Estado miembro	Productos (1)	Cantidad aproximada (toneladas)	Precio de venta expresado en ecus por tonelada
Medlemsstat	Produkter (1)	Tilnærmet mængde (tons)	Salgspriser i ECU/ton
Mitgliedstaat	Erzeugnisse (1)	Ungefähre Mengen (Tonnen)	Verkaufspreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα (1)	Κατά προσέγγιση ποσότητα (τόνοι)	Τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο
Member State	Products (1)	Approximate quantity (tonnes)	Selling prices expressed in ecus per tonne
État membre	Produits (1)	Quantité approximative (tonnes)	Prix de vente exprimés en écus par tonne
Stato membro	Prodotti (1)	Quantità approssimativa (tonnellate)	Prezzi di vendita espressi in ecu per tonnellata
Lidstaat	Producten (1)	Hoeveelheid bij benadering (ton)	Verkoopprijzen uitgedrukt in ECU per ton
Estado-membro	Produtos (1)	Quantidade aproximada (toneladas)	Preço de venda expresso em ecus por tonelada
Jäsenvaltio	Tuotteet (1)	Arvioitu määrä (tonneina)	Myyntihinta ecuina tonnilla
Medlemsstat	Produkter (1)	Ungefärlig kvantitet (ton)	Försäljningspris i ecu per ton

## a) Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben

			(a) (2)	(b) (3)
BELGIQUE/BELGIE	— Quartiers avant/Voorvoeten	90	650	800
DEUTSCHLAND	— Vorderviertel	2 000	650	800
DANMARK	— Forfjerdinger	500	650	800
ITALIA	— Quarti anteriori	2 000	650	800
IRELAND	— Forequarters	380	650	800
FRANCE	— Quartiers avant	2 000	650	800
ÖSTERREICH	— Vorderviertel	1 000	650	800
PORTUGAL	— Quartos dianteiros	400	650	800
ESPAÑA	— Cuartos delanteros	2 000	650	800
NEDERLAND	— Voorvoeten	34	650	800
IRELAND	— Hindquarters	420	900	1 050

## b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött

FRANCE	Jarret arrière d'intervention (INT 11)	150	800	950
	Flanchet d'intervention (INT 18)	1 000	700	850
	Jarret avant d'intervention (INT 21)	500	800	950
	Épaule d'intervention (INT 22)	600	1 100	1 250
	Poitrine d'intervention (INT 23)	250	800	950
	Avant d'intervention (INT 24)	1 000	1 100	1 250
UNITED KINGDOM	Intervention shank (INT 11)	500	700	850
	Intervention thick flank (INT 12)	500	1 200	1 350
	Intervention silverside (INT 14)	1 000	1 400	1 550
	Intervention flank (INT 18)	500	600	750
	Intervention forerib (INT 19)	500	1 000	1 150
	Intervention shin (INT 21)	500	700	850
	Intervention shoulder (INT 22)	1 000	1 000	1 100
	Intervention brisket (INT 23)	500	700	850
IRELAND	Intervention forequarter (INT 24)	1 000	1 000	1 150
	Intervention shank (INT 11)	500	800	950
	Intervention flank (INT 18)	500	700	850
	Intervention shin (INT 21)	500	800	950
	Intervention shoulder (INT 22)	1 000	1 100	1 250
	Intervention brisket (INT 23)	500	800	950
	Intervention forequarter (INT 24)	1 000	1 100	1 250

ESPAÑA	Jarrete (INT 11)	0-1	700	850
	Falda (INT 18)	77	700	850
	Morcillo (INT 21)	1	800	950
	Paleta (INT 22)	3	1 100	1 250
	Pecho (INT 23)	2	800	950
	Cuartos delanteros (INT 24)	4	1 100	1 250

(<sup>1</sup>) Véanse los anexos V y VII del Reglamento (CEE) n° 2456/93 de la Comisión (DO L 225 de 4.9.1993, p. 4); Reglamento cuya última modificación la constituye el Reglamento (CE) n° 2602/97 (DO L 351 de 23.12.1997, p. 20).

(<sup>1</sup>) Se bilag V og VII til Kommissionens forordning (EØF) nr. 2456/93 (EFT L 225 af 4.9.1993, s. 4); forordningen er senest ændret ved forordning (EF) nr. 2602/97 (EFT L 351 af 23.12.1997, s. 20).

(<sup>1</sup>) Vgl. Anhänge V und VII der Verordnung (EWG) Nr. 2456/93 (ABl. L 225 vom 4.9.1993, S. 4), zuletzt geändert durch die Verordnung (EG) Nr. 2602/97 (ABl. L 351 vom 23.12.1997, S. 20).

(<sup>1</sup>) Βλέπε παραρτήματα V και VII του κανονισμού (ΕΟΚ) αριθ. 2456/93 της Επιτροπής (ΕΕ L 225 της 4.9.1993, σ. 4), όπως τροποποιήθηκε τελευταία από τον κανονισμό (ΕΚ) αριθ. 2602/97 (ΕΕ L 351 της 23.12.1997, σ. 20).

(<sup>1</sup>) See Annexes V and VII to Regulation (EEC) No 2456/93 (OJ L 225, 4.9.1993, p. 4), as last amended by Regulation (EC) No 2602/97 (OJ L 351, 23.12.1997, p. 20).

(<sup>1</sup>) Voir annexes V et VII du règlement (CEE) n° 2456/93 de la Commission (JO L 225 du 4.9.1993, p. 4). Règlement modifié en dernier lieu par le règlement (CE) n° 2602/97 (JO L 351 du 23. 12. 1997, p. 20).

(<sup>1</sup>) Cfr. allegati V e VII del regolamento (CEE) n. 2456/93 della Commissione (GU L 225 del 4. 9. 1993, pag. 4), modificato da ultimo dal regolamento (CE) n. 2602/97 (GU L 351 del 23. 12. 1997, pag. 20).

(<sup>1</sup>) Zie de bijlagen V en VII van Verordening (EEG) nr. 2456/93 van de Commissie (PB L 225 van 4.9.1993, blz. 4), laatstelijk gewijzigd bij Verordening (EG) nr. 2602/97 (PB L 351 van 23. 12. 1997, blz. 20).

(<sup>1</sup>) Ver anexos V e VII do Regulamento (CEE) n° 2456/93 da Comissão (JO L 225 de 4.9.1993, p. 4). Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE) n° 2602/97 (JO L 351 de 23.12.1997, p. 20).

(<sup>1</sup>) Katso asetuksen (ETY) N:o 2456/93 (EYVL L 225, 4.9.1993, s. 4), sellaisena kuin se on viimeksi muutettuna asetuksella (EY) N:o 2602/97 (EYVL L 351, 23.12.1997, s. 20), liitteet V ja VII.

(<sup>1</sup>) Se bilagorna V och VII i förordning (EEG) nr 2456/93 (EGT L 225, 4.9.1993, s. 4), senast ändrad genom förordning (EG) nr 2602/97 (EGT L 351, 23.12.1997, s. 20).

(<sup>2</sup>) Precio aplicable a la transformación exclusivamente en los productos "A" contemplados en el apartado 2 del artículo 3.

(<sup>2</sup>) Pris udelukkende for forarbejdning til A-produkter som omhandlet i artikel 3, stk. 2.

(<sup>2</sup>) Geltender Preis nur für die Verarbeitung zu A-Erzeugnissen gemäß Artikel 3 Absatz 2.

(<sup>2</sup>) Τιμή που εφαρμόζεται για τη μεταποίηση, μόνο σε προϊόντα "Α" που αναφέρονται στο άρθρο 3 παράγραφος 2.

(<sup>2</sup>) Price applying for processing solely into A products as referred to in Article 3(2).

(<sup>2</sup>) Prix applicable uniquement pour la transformation en produits "A" visés à l'article 3, paragraphe 2.

(<sup>2</sup>) Prezzo applicabile unicamente per la trasformazione in prodotti "A" di cui all'articolo 3, paragrafo 2.

(<sup>2</sup>) Prijs uitsluitend voor verwerking tot de in artikel 3, lid 2, bedoelde A-producten.

(<sup>2</sup>) Preço aplicável para a transformação apenas em produtos "A" referidos no n° 2 do artigo 3°.

(<sup>2</sup>) Hinta jota sovelletaan jalostettaessa ainoastaan 3 artiklan 2 kohdassa tarkoitetuiksi A-luokan tuotteiksi.

(<sup>2</sup>) Pris för bearbetning endast till A-produkter i enlighet med artikel 3.2.

(<sup>2</sup>) Precio aplicable a la transformación en los productos "B" contemplados en el apartado 3 del artículo 3, o en una mezcla de productos "A" y productos "B".

(<sup>2</sup>) Pris for forarbejdning til B-produkter som omhandlet i artikel 3, stk. 3, eller en blanding af A- og B-produkter.

(<sup>2</sup>) Geltender Preis für die Verarbeitung zu B-Erzeugnissen gemäß Artikel 3 Absatz 3 oder eine Mischung aus A- und B-Erzeugnissen.

(<sup>2</sup>) Τιμή που εφαρμόζεται για τη μεταποίηση σε προϊόντα "Β" που αναφέρονται στο άρθρο 3 παράγραφος 3, ή σε μείγμα προϊόντων Α και προϊόντων Β.

(<sup>2</sup>) Price applying for processing into B products as referred to in Article 3(3) or a mix of A products and B products.

(<sup>2</sup>) Prix applicable pour la transformation en produits "B" visés à l'article 3, paragraphe 3, ou pour un mélange de produits "A" et de produits "B".

(<sup>2</sup>) Prezzo applicabile per la trasformazione in prodotti "B" di cui all'articolo 3, paragrafo 3, o per un miscuglio di prodotti "A" e di prodotti "B".

(<sup>2</sup>) Prijs voor verwerking tot de in artikel 3, lid 3, bedoelde B-producten of tot een mengeling van A-producten en B-producten.

(<sup>2</sup>) Preço aplicável para a transformação em produtos "B" referidos no n° 3 do artigo 3°, ou uma mistura de produtos "A" e produtos "B".

(<sup>2</sup>) Hinta, jota sovelletaan jalostettaessa 3 artiklan 3 kohdassa tarkoitetuiksi B-luokan tuotteiksi, tai A- ja B-luokan tuotteiden seokseksi.

(<sup>2</sup>) Pris för bearbetning till B-produkter i enlighet med artikel 3.3 eller en blandning av A- och B-produkter.

**DIRECTIVE 98/71/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 13 October 1998****on the legal protection of designs**

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the Economic and Social  
Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in  
Article 189b of the Treaty <sup>(3)</sup>, in the light of the joint text  
approved by the Conciliation Committee on 29 July  
1998,

- (1) Whereas the objectives of the Community, as laid down in the Treaty, include laying the foundations of an ever closer union among the peoples of Europe, fostering closer relations between Member States of the Community, and ensuring the economic and social progress of the Community countries by common action to eliminate the barriers which divide Europe; whereas to that end the Treaty provides for the establishment of an internal market characterised by the abolition of obstacles to the free movement of goods and also for the institution of a system ensuring that competition in the internal market is not distorted; whereas an approximation of the laws of the Member States on the legal protection of designs would further those objectives;
- (2) Whereas the differences in the legal protection of designs offered by the legislation of the Member States directly affect the establishment and functioning of the internal market as regards goods embodying designs; whereas such differences can distort competition within the internal market;
- (3) Whereas it is therefore necessary for the smooth functioning of the internal market to approximate the design protection laws of the Member States;
- (4) Whereas, in doing so, it is important to take into consideration the solutions and the advantages with which the Community design system will provide undertakings wishing to acquire design rights;
- (5) Whereas it is unnecessary to undertake a full-scale approximation of the design laws of the Member States, and it will be sufficient if approximation is limited to those national provisions of law which most directly affect the functioning of the internal market; whereas provisions on sanctions, remedies and enforcement should be left to national law; whereas the objectives of this limited approximation cannot be sufficiently achieved by the Member States acting alone;
- (6) Whereas Member States should accordingly remain free to fix the procedural provisions concerning registration, renewal and invalidation of design rights and provisions concerning the effects of such invalidity;
- (7) Whereas this Directive does not exclude the application to designs of national or Community legislation providing for protection other than that conferred by registration or publication as design, such as legislation relating to unregistered design rights, trade marks, patents and utility models, unfair competition or civil liability;
- (8) Whereas, in the absence of harmonisation of copyright law, it is important to establish the principle of cumulation of protection under specific registered design protection law and under copyright law, whilst leaving Member States free to establish the extent of copyright protection and the conditions under which such protection is conferred;
- (9) Whereas the attainment of the objectives of the internal market requires that the conditions for obtaining a registered design right be identical in all the Member States; whereas to that end it is necessary to give a unitary definition of the notion of design and of the requirements as to novelty and individual character with which registered design rights must comply;

<sup>(1)</sup> OJ C 345, 23. 12. 1993, p. 14 and OJ C 142, 14. 5. 1996, p. 7.

<sup>(2)</sup> OJ C 388, 31. 12. 1994, p. 9 and OJ C 110, 2. 5. 1995, p. 12.

<sup>(3)</sup> Opinion of the European Parliament of 12 October 1995 (OJ C 287, 30. 10. 1995, p. 157), common position of the Council of 17 June 1997 (OJ C 237, 4. 8. 1997, p. 1), Decision of the European Parliament of 22 October 1997 (OJ C 339, 10. 11. 1997, p. 52). Decision of the European Parliament of 15 September 1998. Decision of the Council of 24 September 1998.

- (10) Whereas it is essential, in order to facilitate the free movement of goods, to ensure in principle that registered design rights confer upon the right holder equivalent protection in all Member States;
- (11) Whereas protection is conferred by way of registration upon the right holder for those design features of a product, in whole or in part, which are shown visibly in an application and made available to the public by way of publication or consultation of the relevant file;
- (12) Whereas protection should not be extended to those component parts which are not visible during normal use of a product, or to those features of such part which are not visible when the part is mounted, or which would not, in themselves, fulfil the requirements as to novelty and individual character; whereas features of design which are excluded from protection for these reasons should not be taken into consideration for the purpose of assessing whether other features of the design fulfil the requirements for protection;
- (13) Whereas the assessment as to whether a design has individual character should be based on whether the overall impression produced on an informed user viewing the design clearly differs from that produced on him by the existing design corpus, taking into consideration the nature of the product to which the design is applied or in which it is incorporated, and in particular the industrial sector to which it belongs and the degree of freedom of the designer in developing the design;
- (14) Whereas technological innovation should not be hampered by granting design protection to features dictated solely by a technical function; whereas it is understood that this does not entail that a design must have an aesthetic quality; whereas, likewise, the interoperability of products of different makes should not be hindered by extending protection to the design of mechanical fittings; whereas features of a design which are excluded from protection for these reasons should not be taken into consideration for the purpose of assessing whether other features of the design fulfil the requirements for protection;
- (15) Whereas the mechanical fittings of modular products may nevertheless constitute an important element of the innovative characteristics of modular products and present a major marketing asset and therefore should be eligible for protection;
- (16) Whereas a design right shall not subsist in a design which is contrary to public policy or to accepted principles of morality; whereas this Directive does not constitute a harmonisation of national concepts of public policy or accepted principles of morality;
- (17) Whereas it is fundamental for the smooth functioning of the internal market to unify the term of protection afforded by registered design rights;
- (18) Whereas the provisions of this Directive are without prejudice to the application of the competition rules under Articles 85 and 86 of the Treaty;
- (19) Whereas the rapid adoption of this Directive has become a matter of urgency for a number of industrial sectors; whereas full-scale approximation of the laws of the Member States on the use of protected designs for the purpose of permitting the repair of a complex product so as to restore its original appearance, where the product incorporating the design or to which the design is applied constitutes a component part of a complex product upon whose appearance the protected design is dependent, cannot be introduced at the present stage; whereas the lack of full-scale approximation of the laws of the Member States on the use of protected designs for such repair of a complex product should not constitute an obstacle to the approximation of those other national provisions of design law which most directly affect the functioning of the internal market; whereas for this reason Member States should in the meantime maintain in force any provisions in conformity with the Treaty relating to the use of the design of a component part used for the purpose of the repair of a complex product so as to restore its original appearance, or, if they introduce any new provisions relating to such use, the purpose of these provisions should be only to liberalise the market in such parts; whereas those Member States which, on the date of entry into force of this Directive, do not provide for protection for designs of component parts are not required to introduce registration of designs for such parts; whereas three years after the implementation date the Commission should submit an analysis of the consequences of the provisions of this Directive for Community industry, for consumers, for competition and for the functioning of the internal market; whereas, in respect of component parts of complex products, the analysis should, in particular, consider harmonisation on the basis of possible options, including a remuneration system and a limited term of exclusivity; whereas, at the latest one year after the submission of its analysis, the Commission should, after consultation with the parties most affected, propose to the European Parliament and the Council any changes to this Directive needed to complete the internal market in respect of component parts of complex products, and any other changes which it considers necessary;

- (20) Whereas the transitional provision in Article 14 concerning the design of a component part used for the purpose of the repair of a complex product so as to restore its original appearance is in no case to be construed as constituting an obstacle to the free movement of a product which constitutes such a component part;
- (21) Whereas the substantive grounds for refusal of registration in those Member States which provide for substantive examination of applications prior to registration, and the substantive grounds for the invalidation of registered design rights in all the Member States, must be exhaustively enumerated,

HAVE ADOPTED THIS DIRECTIVE:

### Article 1

#### Definitions

For the purpose of this Directive:

- (a) 'design' means the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation;
- (b) 'product' means any industrial or handicraft item, including *inter alia* parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs;
- (c) 'complex product' means a product which is composed of multiple components which can be replaced permitting disassembly and reassembly of the product.

### Article 2

#### Scope of application

1. This Directive shall apply to:
  - (a) design rights registered with the central industrial property offices of the Member States;
  - (b) design rights registered at the Benelux Design Office;
  - (c) design rights registered under international arrangements which have effect in a Member State;
  - (d) applications for design rights referred to under (a), (b) and (c).
2. For the purpose of this Directive, design registration shall also comprise the publication following filing of the design with the industrial property office of a Member State in which such publication has the effect of bringing a design right into existence.

### Article 3

#### Protection requirements

1. Member States shall protect designs by registration, and shall confer exclusive rights upon their holders in accordance with the provisions of this Directive.
2. A design shall be protected by a design right to the extent that it is new and has individual character.
3. A design applied to or incorporated in a product which constitutes a component part of a complex product shall only be considered to be new and to have individual character:
  - (a) if the component part, once it has been incorporated into the complex product, remains visible during normal use of the latter, and
  - (b) to the extent that those visible features of the component part fulfil in themselves the requirements as to novelty and individual character.
4. 'Normal use' within the meaning of paragraph (3)(a) shall mean use by the end user, excluding maintenance, servicing or repair work.

### Article 4

#### Novelty

A design shall be considered new if no identical design has been made available to the public before the date of filing of the application for registration or, if priority is claimed, the date of priority. Designs shall be deemed to be identical if their features differ only in immaterial details.

### Article 5

#### Individual character

1. A design shall be considered to have individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by any design which has been made available to the public before the date of filing of the application for registration or, if priority is claimed, the date of priority.
2. In assessing individual character, the degree of freedom of the designer in developing the design shall be taken into consideration.

### Article 6

#### Disclosure

1. For the purpose of applying Articles 4 and 5, a design shall be deemed to have been made available to the public if it has been published following registration or otherwise, or exhibited, used in trade or otherwise disclosed, except where these events could not reasonably

have become known in the normal course of business to the circles specialised in the sector concerned, operating within the Community, before the date of filing of the application for registration or, if priority is claimed, the date of priority. The design shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality.

2. A disclosure shall not be taken into consideration for the purpose of applying Articles 4 and 5 if a design for which protection is claimed under a registered design right of a Member State has been made available to the public:

- (a) by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer, or his successor in title; and
  - (b) during the 12-month period preceding the date of filing of the application or, if priority is claimed, the date of priority.
3. Paragraph 2 shall also apply if the design has been made available to the public as a consequence of an abuse in relation to the designer or his successor in title.

#### *Article 7*

##### **Designs dictated by their technical function and designs of interconnections**

1. A design right shall not subsist in features of appearance of a product which are solely dictated by its technical function.
2. A design right shall not subsist in features of appearance of a product which must necessarily be reproduced in their exact form and dimensions in order to permit the product in which the design is incorporated or to which it is applied to be mechanically connected to or placed in, around or against another product so that either product may perform its function.
3. Notwithstanding paragraph 2, a design right shall, under the conditions set out in Articles 4 and 5, subsist in a design serving the purpose of allowing multiple assembly or connection of mutually interchangeable products within a modular system.

#### *Article 8*

##### **Designs contrary to public policy or morality**

A design right shall not subsist in a design which is contrary to public policy or to accepted principles of morality.

#### *Article 9*

##### **Scope of protection**

1. The scope of the protection conferred by a design right shall include any design which does not produce on the informed user a different overall impression.
2. In assessing the scope of protection, the degree of freedom of the designer in developing his design shall be taken into consideration.

#### *Article 10*

##### **Term of protection**

Upon registration, a design which meets the requirements of Article 3(2) shall be protected by a design right for one or more periods of five years from the date of filing of the application. The right holder may have the term of protection renewed for one or more periods of five years each, up to a total term of 25 years from the date of filing.

#### *Article 11*

##### **Invalidity or refusal of registration**

1. A design shall be refused registration, or, if the design has been registered, the design right shall be declared invalid:
  - (a) if the design is not a design within the meaning of Article 1(a); or
  - (b) if it does not fulfil the requirements of Articles 3 to 8; or
  - (c) if the applicant for or the holder of the design right is not entitled to it under the law of the Member State concerned; or
  - (d) if the design is in conflict with a prior design which has been made available to the public after the date of filing of the application or, if priority is claimed, the date of priority, and which is protected from a date prior to the said date by a registered Community design or an application for a registered Community design or by a design right of the Member State concerned, or by an application for such a right.
2. Any Member State may provide that a design shall be refused registration, or, if the design has been registered, that the design right shall be declared invalid:
  - (a) if a distinctive sign is used in a subsequent design, and Community law or the law of the Member State concerned governing that sign confers on the right holder of the sign the right to prohibit such use; or

(b) if the design constitutes an unauthorised use of a work protected under the copyright law of the Member State concerned; or

(c) if the design constitutes an improper use of any of the items listed in Article 6b of the Paris Convention for the Protection of Industrial Property, or of badges, emblems and escutcheons other than those covered by Article 6b of the said Convention which are of particular public interest in the Member State concerned.

3. The ground provided for in paragraph 1(c) may be invoked solely by the person who is entitled to the design right under the law of the Member State concerned.

4. The grounds provided for in paragraph 1(d) and in paragraph 2(a) and (b) may be invoked solely by the applicant for or the holder of the conflicting right.

5. The ground provided for in paragraph 2(c) may be invoked solely by the person or entity concerned by the use.

6. Paragraphs 4 and 5 shall be without prejudice to the freedom of Member States to provide that the grounds provided for in paragraphs 1(d) and 2(c) may also be invoked by the appropriate authority of the Member State in question on its own initiative.

7. When a design has been refused registration or a design right has been declared invalid pursuant to paragraph 1(b) or to paragraph 2, the design may be registered or the design right maintained in an amended form, if in that form it complies with the requirements for protection and the identity of the design is retained. Registration or maintenance in an amended form may include registration accompanied by a partial disclaimer by the holder of the design right or entry in the design Register of a court decision declaring the partial invalidity of the design right.

8. Any Member State may provide that, by way of derogation from paragraphs 1 to 7, the grounds for refusal of registration or for invalidation in force in that State prior to the date on which the provisions necessary to comply with this Directive enter into force shall apply to design applications which have been made prior to that date and to resulting registrations.

9. A design right may be declared invalid even after it has lapsed or has been surrendered.

#### *Article 12*

##### **Rights conferred by the design right**

1. The registration of a design shall confer on its holder the exclusive right to use it and to prevent any third party not having his consent from using it. The aforementioned use shall cover, in particular, the making, offering, putting

on the market, importing, exporting or using of a product in which the design is incorporated or to which it is applied, or stocking such a product for those purposes.

2. Where, under the law of a Member State, acts referred to in paragraph 1 could not be prevented before the date on which the provisions necessary to comply with this Directive entered into force, the rights conferred by the design right may not be invoked to prevent continuation of such acts by any person who had begun such acts prior to that date.

#### *Article 13*

##### **Limitation of the rights conferred by the design right**

1. The rights conferred by a design right upon registration shall not be exercised in respect of:

(a) acts done privately and for non-commercial purposes;

(b) acts done for experimental purposes;

(c) acts of reproduction for the purposes of making citations or of teaching, provided that such acts are compatible with fair trade practice and do not unduly prejudice the normal exploitation of the design, and that mention is made of the source.

2. In addition, the rights conferred by a design right upon registration shall not be exercised in respect of:

(a) the equipment on ships and aircraft registered in another country when these temporarily enter the territory of the Member State concerned;

(b) the importation in the Member State concerned of spare parts and accessories for the purpose of repairing such craft;

(c) the execution of repairs on such craft.

#### *Article 14*

##### **Transitional provision**

Until such time as amendments to this Directive are adopted on a proposal from the Commission in accordance with the provisions of Article 18, Member States shall maintain in force their existing legal provisions relating to the use of the design of a component part used for the purpose of the repair of a complex product so as to restore its original appearance and shall introduce changes to those provisions only if the purpose is to liberalise the market for such parts.

*Article 15***Exhaustion of rights**

The rights conferred by a design right upon registration shall not extend to acts relating to a product in which a design included within the scope of protection of the design right is incorporated or to which it is applied, when the product has been put on the market in the Community by the holder of the design right or with his consent.

*Article 16***Relationship to other forms of protection**

The provisions of this Directive shall be without prejudice to any provisions of Community law or of the law of the Member State concerned relating to unregistered design rights, trade marks or other distinctive signs, patents and utility models, typefaces, civil liability or unfair competition.

*Article 17***Relationship to copyright**

A design protected by a design right registered in or in respect of a Member State in accordance with this Directive shall also be eligible for protection under the law of copyright of that State as from the date on which the design was created or fixed in any form. The extent to which, and the conditions under which, such a protection is conferred, including the level of originality required, shall be determined by each Member State.

*Article 18***Revision**

Three years after the implementation date specified in Article 19, the Commission shall submit an analysis of the consequences of the provisions of this Directive for Community industry, in particular the industrial sectors which are most affected, particularly manufacturers of complex products and component parts, for consumers, for competition and for the functioning of the internal

market. At the latest one year later the Commission shall propose to the European Parliament and the Council any changes to this Directive needed to complete the internal market in respect of component parts of complex products and any other changes which it considers necessary in light of its consultations with the parties most affected.

*Article 19***Implementation**

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 28 October 2001.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

*Article 20***Entry into force**

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

*Article 21***Addressees**

This Directive is addressed to the Member States.

Done at Luxembourg, 13 October 1998.

*For the European Parliament*

*The President*

J.M. GIL-ROBLES

*For the Council*

*The President*

C. EINEM

**Statement by the Commission**

The Commission shares the European Parliament's concern about combating counterfeiting.

The Commission's intention is to present before the end of the year a Green Paper regarding piracy and counterfeiting in the internal market.

The Commission will include in this Green Paper Parliament's idea of creating an obligation for counterfeiters to provide holders of design rights with information on their illegal acts.

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**Statement by the Commission regarding Article 18**

Immediately following the date of adoption of the Directive, and without prejudice to Article 18, the Commission proposes to launch a consultation exercise involving manufacturers of complex products and of component parts in the motor vehicles sector. The aim of this consultation will be to arrive at a voluntary agreement between the parties involved on the protection of designs in cases where the product incorporating the design or to which the design is applied constitutes a component part of a complex product upon whose appearance the protected design is dependent.

The Commission will coordinate the consultation exercise and will report regularly to the Parliament and the Council on its progress. The consulted parties will be invited by the Commission to consider a range of possible options on which to base a voluntary agreement, including a remuneration system and a system based on a limited period of design protection.

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## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 19 October 1998

**amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third-country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs**

(98/603/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third-country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs<sup>(1)</sup> and in particular Article 9 thereof,

Having regard to the proposal from the Commission<sup>(2)</sup>,

Whereas the interim period opened by Decision 95/408/EC ends on 31 December 1998; whereas, for administrative reasons, the drawing up of the lists of third-country establishments from which Member States are authorised to import certain products in accordance with the Directives on health rules applicable to those products has been delayed;

Whereas, in order to prevent any disruptions in traditional trade patterns, the interim period during which a simplified system may be applied to third-country establishments exporting certain products of animal origin,

fishery products or live bivalve molluscs should be extended,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 9 of Decision 95/408/EC the date '31 December 1998' shall be replaced by '31 December 2000'.

*Article 2*

This Decision is addressed to the Member States.

Done at Luxembourg, 19 October 1998.

*For the Council*

*The President*

W. MOLTERER

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<sup>(1)</sup> OJ L 243, 11. 10. 1995, p. 17. Decision as amended by Decision 97/34/EC (OJ L 13, 16. 1. 1997, p. 33).

<sup>(2)</sup> OJ C 215, 10. 7. 1998, p. 20.

# COMMISSION

## COMMISSION DECISION

of 16 October 1998

on the Community financial contribution towards the eradication of sheep pox in Greece

(notified under document number C(1998) 3118)

(Only the Greek text is authentic)

(98/604/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field<sup>(1)</sup>, as last amended by Decision 94/370/EC<sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas the Commission adopted Decision 97/658/EC of 1 October 1997 concerning financial contribution by the Community towards the eradication of sheep pox in Greece<sup>(3)</sup>; whereas this Community assistance could be had for outbreaks of sheep pox occurring between November 1995 and December 1996;

Whereas new outbreaks of sheep pox have been declared in Greece in 1997; whereas eradication measures must continue in view of the serious danger this disease presents for the Community's sheep and goat population, by providing in particular a further Community contribution to compensate sheep and goat farmers for their losses;

Whereas, when the presence of sheep pox was officially confirmed, the Greek authorities communicated that they had taken appropriate measures, including those listed in Article 3(2) of Decision 90/424/EEC, and those in Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating

to swine vesicular disease<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas the conditions for Community financial assistance have been met;

Whereas the Community financial contribution shall be paid on confirmation that the measures have been implemented and the authorities have supplied all the information requested within the time limits laid down;

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

HAS ADOPTED THIS DECISION:

### *Article 1*

Greece may obtain financial assistance for the outbreaks of sheep pox in 1997.

### *Article 2*

1. Subject to the checks to be carried out, the Community contribution shall be granted after the supporting documents have been submitted.

2. The supporting documents referred to in paragraph 1 shall be:

(a) an epidemiological report on each holding on which animals have been slaughtered. The report shall contain information on:

<sup>(1)</sup> OJ L 224, 18. 8. 1990, p. 19.

<sup>(2)</sup> OJ L 168, 2. 7. 1994, p. 31.

<sup>(3)</sup> OJ L 278, 11. 10. 1997, p. 26.

<sup>(4)</sup> OJ L 62, 15. 3. 1993, p. 69.

- (i) infected holdings:
- location and address,
  - date on which the disease was suspected and the date on which it was confirmed,
  - number of animals, by species and category, slaughtered and destroyed, and the date in question,
  - method of slaughter and of destruction,
  - type and number of samples collected and tested when the disease was suspected; results of the tests,
  - type and number of samples taken and tested during the depopulation of the infected holdings; results of the tests,
  - presumed origin of the infection following complete epidemiological analysis;

- (ii) holdings in contact with an infected holding:
- as in (i), first, third, fourth and sixth indents,
  - infected holding (outbreak) with which contact has been confirmed or suspected; nature of the contact;

- (b) a financial report including in particular the list of beneficiaries and their addresses, the number, species and categories of animals slaughtered, the date of slaughter, the amount paid out (excluding VAT) and the date of payment.

#### *Article 3*

1. The application for payment, together with the supporting documents referred to in Article 2, shall be submitted to the Commission before 1 December 1998.

2. The Commission shall decide on the aid before 15 April 1999. Before 1 May 1999, it shall inform the Member States through the Standing Veterinary Committee of its decision, with a view to an evaluation thereof.

#### *Article 4*

1. The Commission, in collaboration with the competent national authorities, may carry out on-the-spot checks to ensure that the measures and assisted expenditure have been carried out.

The Commission shall inform the Member States of the outcome of the checks.

2. Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(1)</sup> shall apply *mutatis mutandis*.

#### *Article 5*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 16 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 94, 28. 4. 1970, p. 13.

## COMMISSION DECISION

of 16 October 1998

on the granting of aid for the production of table olives in Spain

*(notified under document number C(1998) 3129)***(Only the Spanish text is authentic)**

(98/605/EC)

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1638/98<sup>(2)</sup>, and in particular Article 5(4) thereof,

Whereas Article 5(4) of Regulation No 136/66/EEC grants the Member States the possibility of allocating part of their national guaranteed quantities and of their olive-oil production aid to support for table olives under conditions to be approved by the Commission in accordance with the procedure laid down in Article 38 of that Regulation;

Whereas Spain has presented a request in respect of the 1998/99 marketing year and whereas detailed rules should be laid down on the granting of the aid;

Whereas provision should be made for the aid to be granted to growers of processed table olives from olive groves in Spain and the conditions governing the granting of the aid should be specified;

Whereas the processing period should be defined as running from 1 November 1998 to 31 August 1999; whereas fresh olives entering the processing undertaking before 1 September 1998 are not considered to be processed during that period; whereas olives which have undergone initial treatment in brine lasting at least 15 days and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption should be deemed to be processed olives;

Whereas the weight of processed table olives on which aid is payable and the equivalence between processed table olives and olive oil should be determined for the

purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities;

Whereas undertakings processing table olives must be approved in accordance with conditions to be determined;

Whereas provisions should be laid down on checks of aid for table olives; whereas those provisions must in particular cover crop declarations by table-olive growers, notifications by processors of the quantities of olives delivered by growers and leaving the processing chain, and the obligations on paying agencies regarding controls; whereas provision should be made for penalties on table-olive growers where their declarations conflict with the results of checks conducted;

Whereas the information needed for calculating the aid to be granted to growers of processed table olives should be determined; whereas an advance on the aid may be granted under certain conditions;

Whereas Spain must notify the Commission of the national measures adopted for the purposes of applying this Decision and of the information used for calculating the advance on the aid and the definitive aid;

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

HAS ADOPTED THIS DECISION:

*Article 1*

For the 1998/99 olive-oil marketing year, Spain is hereby authorised to grant aid for the production of table olives in accordance with this Decision.

*Article 2*

1. Aid for the production of table olives shall be granted to growers of olives which come from olive groves in Spain and are sent to approved processing undertakings for processing into table olives.

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 32.

2. The aid shall be granted on table olives processed from 1 November 1998 to 31 August 1999.

However, olives which entered approved processing undertakings before 1 September 1998 shall not be taken into consideration.

3. Within the meaning of this Decision, 'processed table olives' means olives that have undergone, for at least 15 days, initial treatment in brine and have been removed from the brine definitively or failing that have undergone treatment making them fit for human consumption.

#### Article 3

1. For the purposes of calculating the unit aid on table olives and of administering the national guaranteed quantities of olive oil, 100 kg of processed table olives shall be deemed to be equivalent to 11,5 kg of olive oil eligible for production aid as provided for in Article 5 of Regulation No 136/66/EEC.

2. The weight of processed table olives to be taken into consideration shall be the drained net weight of whole olives after processing, possibly bruised but not stoned.

#### Article 4

1. Approval numbers shall be allocated to undertakings which:

- submit an application for approval accompanied by the information referred to in paragraph 2 and the commitments referred to in paragraph 3,
- market processed table olives, with or without additional preparation,
- have plants capable of processing at least 30 tonnes of olives per year in the islands and 50 tonnes of olives per year in the other zones.

2. Applications for approval shall include at least:

- a description of the processing plant and storage facilities, with details of their capacity,
- a description of the forms of table-olive preparations marketed, indicating the average weight of processed table olives required for one kilogram of each type of prepared product,
- details of stocks of table olives at various stages of preparation, by form of preparation, at 1 September and 1 November 1998.

3. For the purposes of approval, processors shall undertake to:

- keep table olives on which aid is payable separate from table olives originating in third countries and those on which aid is not payable when taking delivery of, processing and storing them,

— keep stock accounts covering table olives, linked to the financial accounts and indicating, for each day:

- (a) the quantities of olives entering the establishment, showing each consignment separately and identifying the grower of each,
- (b) the quantities of olives sent for processing within the meaning of Article 2(3) and the quantities of table olives processed,
- (c) the quantities of table olives for which the process of preparation has been completed,
- (d) the quantities of table olives leaving the undertaking, broken down by form of preparation and indicating the consignees,

— provide the grower and the competent body with the documents and the information referred to in Article 6 in accordance with the conditions laid down therein,

— submit to all checks provided for under this Decision.

4. Approval shall be refused or immediately withdrawn where undertakings:

- fail to comply with the conditions for approval,
- or
- are prosecuted by the competent authorities for irregularities in respect of the arrangements provided for in Regulation No 136/66/EEC,
- or
- have been penalised for an infringement to that Regulation within the past 24 months.

#### Article 5

For the purposes of granting the aid for the production of table olives, in addition to the crop declaration laid down for olive-oil production aid, by 31 December 1998 olive growers shall lodge a supplementary declaration or, as appropriate, a new declaration containing the same information as the crop declaration for olive oil but referring to table olives.

Where the information concerned has already been furnished by a crop declaration for olive oil, the supplementary declaration shall simply indicate the references to the crop declaration and the parcels concerned.

The declarations concerning table olives shall be included in the alphanumeric database provided for in connection with the aid scheme for olive oil production.

#### Article 6

1. On delivery of the olives, approved undertakings shall issue growers of table olives with a certificate of

delivery showing the net weight of olives entering the undertaking. Such certificates must be issued before 1 December 1998 in respect of olives entering the undertaking from 1 September 1998 for processing from 1 November 1998.

2. Approved undertakings shall notify the competent body and the control agency:

(a) by the 10th day of each month, of:

- the quantities of olives received, sent for processing and processed in the course of the previous month,
- the quantities of olives prepared and sent out, broken down by form of preparation, in the course of the previous month,
- the aggregate quantities referred to in the first two indents and the stock situation at the end of the previous month;

(b) before 1 July 1999, of the names of growers delivering table olives in respect of the 1998/99 olive-oil marketing year and of the quantities covered by certificates issued in accordance with paragraph 1;

(c) before 1 June 2000, of the total quantities delivered in respect of the 1998/99 olive-oil marketing year and of the total corresponding quantities processed.

#### Article 7

1. Before 1 July 1999, table-olive growers shall lodge aid applications, directly or indirectly, with the competent body, containing at least the following details:

- the name and address of the grower,
- the location of the holdings and the parcels where olives were harvested, with a reference to the relevant crop declaration,
- the approved undertaking to which the olives were delivered.

Such applications shall be accompanied by certificates of delivery as referred to in Article 6(1).

Where applicable, applications may be accompanied by an application for an advance on the aid.

2. Applications lodged after the deadline shall incur a penalty consisting in a reduction of 1 % of the amount to which the grower would have been entitled had the application been lodged by the due date, for each working

day of delay. Applications lodged more than 25 working days late shall be refused.

#### Article 8

1. Before the definitive payment of the aid, the competent body shall carry out the controls required to check:

- the quantities of table olives covered by certificates of delivery issued,
- the quantities of table olives processed, broken down by grower.

Controls shall involve:

- several physical inspections of goods in stock and a check of the accounts of approved undertakings,
- stricter checks of aid applications from olive growers applying for aid on both table olives and olive oil.

2. Spain shall see that all the necessary controls are in place to ensure that:

- entitlement to table-olive production aid is respected,
- olives entering an undertaking approved under this Decision are excluded from eligibility for olive-oil production aid,
- no more than one aid application is lodged for the same olives.

3. Without prejudice to the penalties laid down by Spain, no aid shall be granted to table-olive growers whose declarations as provided for in Article 5 or whose aid applications in accordance with Article 7 prove to conflict with the results of checks conducted.

#### Article 9

1. The advance on the aid shall be equal to the unit amount referred to in Article 17a(1) of Council Regulation (EEC) No 2261/84<sup>(1)</sup>, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting advances to growers, the quantity of table olives processed shall be determined by applying a provisional processing coefficient to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be established by the competent body depending on the data available on the approved undertaking concerned. However, the quantity of table olives taken into consideration may not exceed 90 % of the quantity of table olives delivered.

2. Advances on the aid shall be paid from 16 October 1999 to growers applying therefor in accordance with Article 7(1).

<sup>(1)</sup> OJ L 208, 3. 8. 1984, p. 3.

*Article 10*

1. The aid shall be equal to the unit amount referred to in Article 17a(2) of Regulation (EEC) No 2261/84, multiplied by the quantity of olive oil equivalent, in accordance with Article 3(1) of this Decision, to the relevant quantity of table olives processed.

For the purposes of granting the aid to growers, the quantity of table olives processed shall be determined by applying a processing coefficient for the undertaking concerned to the quantity appearing in the certificate of delivery, as confirmed by the further information notified to the competent body. That coefficient shall be equal to the ratio between the total quantity of table olives processed on the one hand, and the total quantity of table olives covered by certificates of delivery issued on the other hand, in respect of the 1998/99 olive-oil marketing year.

Where the quantity of processed olives corresponding to the aid as set out in the certificate of delivery cannot be established; the quantities of table olives processed for the growers concerned shall be calculated on the basis of the average coefficient for the other undertakings. However, without prejudice to any claims which the olive growers concerned might make against the undertaking, that quantity of processed olives may not exceed 75 % of the quantity shown in the certificate of delivery.

2. The rate applicable for converting the aid into pesetas shall be the agricultural conversion rate in force on the first day of the month of the first delivery of olives by the grower concerned.

3. Once the controls referred to in Article 8 have been carried out, the aid or, where applicable, the balance of the aid shall be paid to the grower in full within 90 days of fixing by the Commission of the unit amount thereof.

*Article 11*

Spain shall notify the Commission:

- without delay, of the national measures taken pursuant to this Decision,
- before 1 August 1999, of the quantities of olive oil equivalent to the estimated output of table olives processed and of the provisional processing coefficients for that estimate,
- before 16 June 2000, of the quantities of olive oil equivalent to the actual output of table olives processed and of the processing coefficients adopted.

*Article 12*

This Decision is addressed to the Kingdom of Spain.

It shall apply from 1 November 1998.

Done at Brussels, 16 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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