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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 77/98

of 9 January 1998

on certain procedures for applying the Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Council has concluded a Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia ⁽¹⁾, hereinafter referred to as 'the Agreement';

Whereas it is necessary to lay down the procedures for applying certain provisions of the Agreement;

Whereas the Agreement stipulates that certain products originating in the former Yugoslav Republic of Macedonia may be imported into the Community, within the limits of tariff quotas or tariff ceilings or in the framework of reference quantities, at a reduced or a zero rate of customs duty; whereas the Agreement already specifies the products eligible for those tariff measures, their volumes and annual increase of the volumes, their duties, periods and any eligibility criteria; whereas amendments to the Combined Nomenclature and Taric codes and adaptations arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the former Yugoslav Republic of Macedonia do not involve changes of substance; whereas, in the interest of simplicity, provision should therefore be made for the Commission, assisted by the Customs Code Committee, to adopt the implementing regulations opening and providing for the administration of the tariff quotas and tariff ceilings, to establish the Community statistical surveillance system for imports in the framework of reference quantities as well as to make the necessary amendments and technical adaptations to the annexes of the implementing Regulations;

Whereas the Agreement provides for the Community to have the possibility to replace a reference quantity by an equal tariff ceiling when a reference quantity is exceeded; whereas in these circumstances, provision should be made for the Commission to adopt the necessary measures;

Whereas, as soon as a tariff ceiling is reached, the Community may reintroduce, until the end of the

calendar year, the customs duties applicable to third countries in respect of the product concerned; whereas, with a view to protecting the interests of Community producers, those measures may need to be adopted on a very short timescale; whereas the Agreement provides for the Community to have the possibility to suspend a tariff ceiling if, during two consecutive years, imports of a product listed in Annex C thereto have been less than 80 % of the ceiling volume; whereas the Agreement also provides for the Community to have the possibility to extend for a period of one year the ceiling or ceilings set for the preceding year if it is considered appropriate to postpone the annual increase by 5 % of the ceiling volume; whereas provision should therefore be made for the Commission to adopt those measures rapidly,

HAS ADOPTED THIS REGULATION:

Article 1

Provisions for the application of Article 15(2) of the Agreement, concerning cattle, sheep and goats and beef, sheepmeat, goatmeat and sour cherries, shall be adopted in accordance with the procedure provided for in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽²⁾ or in the corresponding provisions of other regulations establishing a common organization of the agricultural markets.

Article 2

1. Without prejudice to Article 1, provisions for the application of tariff quotas, tariff ceilings and reference quantities provided for in Annexes C and D to the Agreement and in Annex I to the Protocol to the Agreement on additional trade arrangements for certain iron and steel products, including the replacement of reference quantities by tariff ceilings as provided for by Article 15(5) of the Agreement, as well as amendments and technical

⁽¹⁾ OJ L 348, 18. 12. 1997, p. 2.

⁽²⁾ OJ L 148, 28.6.1968, p. 24. Regulation as last amended by Regulation (EC) No 2321/97 (OJ L 322, 25.11.1997, p. 25).

adaptations made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the former Yugoslav Republic of Macedonia, shall be adopted by the Commission, assisted by the Customs Code Committee, in accordance with the procedure set out in paragraph 2 of this Article.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- (a) the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;
- (b) the Council, acting by a qualified majority, may take a different decision within the time limit referred to in point (a).

3. The Committee may examine any question concerning the application of tariff quotas, tariff ceilings and reference quantities, which is raised by its chairman either at the latter's initiative or at the request of a Member State.

Article 3

1. As soon as a tariff ceiling is reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries in respect of imports of the products concerned.

2. If, during two consecutive years, imports of a product listed in Annex C to the Agreement have been less than 80 % of the amount laid down, the Commission may adopt a regulation suspending the tariff ceiling in question.

3. The Commission may adopt a regulation extending for a period of one year the tariff ceiling or ceilings set for the preceding year if it is considered appropriate to postpone the annual increase by 5 % of the tariff ceiling volume.

Article 4

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

It shall apply from the date of entry into force of the Agreement. That date will be published in the *Official Journal of the European Communities*.

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

Done at Brussels, 9 January 1998.

For the Council

The President

D. HENDERSON

COMMISSION REGULATION (EC) No 78/98**of 13 January 1998****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 January 1998.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 13 January 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	62,4
	212	106,6
	624	122,0
	999	97,0
0707 00 05	624	201,3
	999	201,3
0709 10 00	220	177,9
	999	177,9
0709 90 70	052	139,1
	204	150,0
	999	144,6
0805 10 10, 0805 10 30, 0805 10 50	052	49,0
	204	41,5
	212	52,2
	220	46,1
	448	29,8
	624	68,7
0805 20 10	999	47,9
	052	61,8
	204	67,4
	624	72,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	67,2
	052	46,7
	464	136,3
	600	85,8
	624	67,9
0805 30 10	999	84,2
	052	74,0
	204	67,2
	400	82,4
	528	32,4
	600	79,7
0808 10 20, 0808 10 50, 0808 10 90	999	67,1
	060	47,4
	400	87,6
	404	89,3
	720	124,9
	728	83,2
0808 20 50	999	86,5
	052	76,3
	064	97,8
	400	101,4
	999	91,8

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

COMMISSION REGULATION (EC) No 79/98

of 13 January 1998

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No

2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 14 January 1998.

It shall apply from 14 to 27 January 1998.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(ECU/100 pieces)

Period from 14 to 27 January 1998				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	15,06	11,15	46,23	20,84
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	14,89	12,34	20,40	18,45
Morocco	15,29	14,42	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 80/98

of 13 January 1998

**re-establishing the preferential customs duty on imports of small-flowered roses
originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 1667/97 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas;

Whereas Commission Regulation (EC) No 79/98 ⁽⁵⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁸⁾, as last

amended by Regulation (EC) No 150/95 ⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96 ⁽¹¹⁾;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 2651/97 ⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2 (4) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced;

Whereas in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

2. Regulation (EC) No 2651/97 is hereby repealed.

Article 2

This Regulation shall enter into force on 15 January 1998.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽⁵⁾ See page 5 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁸⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ L 356, 31. 12. 1997, p. 53.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 81/98

of 13 January 1998

re-establishing the preferential customs duty on imports of uniflorous (standard) carnations originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and last in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 1667/97 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for certain products originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas;

Whereas Commission Regulation (EC) No 79/98 ⁽⁵⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, laid down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁸⁾, as amended by Regulation (EC) No 150/95 ⁽⁹⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽¹⁰⁾, as amended by Regulation (EC) No 1482/96 ⁽¹¹⁾;

Whereas the preferential customs duty fixed for uniflorous (standard) carnations originating in Morocco by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 2559/97 ⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2 (4) of Regulation (EEC) No 4088/87 is met for uniflorous (standard) carnations originating in Morocco; whereas the preferential customs duty should be reintroduced;

Whereas in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Morocco the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

2. Regulation (EC) No 2559/97 is hereby repealed.

Article 2

This Regulation shall enter into force on 15 January 1998.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽⁵⁾ See page 5 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁸⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ L 349, 19. 12. 1997, p. 52.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 82/98
of 13 January 1998
amending the import duties in the cereals sector

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

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

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

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2638/97⁽⁵⁾, as amended by Regulation (EC) No 2/98⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2638/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 2638/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 14 January 1998.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 356, 31. 12. 1997, p. 23.

⁽⁶⁾ OJ L 1, 3. 1. 1998, p. 3.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	42,97	32,97
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	42,97	32,97
	medium quality	57,40	47,40
	low quality	65,55	55,55
1002 00 00	Rye	70,48	60,48
1003 00 10	Barley, seed	70,48	60,48
1003 00 90	Barley, other ⁽³⁾	70,48	60,48
1005 10 90	Maize seed other than hybrid	84,56	74,56
1005 90 00	Maize other than seed ⁽³⁾	84,56	74,56
1007 00 90	Grain sorghum other than hybrids for sowing	70,48	60,48

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 30 December 1997 to 12 January 1998)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	121,82	114,31	111,53	95,00	210,92 ⁽¹⁾	115,38 ⁽¹⁾
Gulf premium (ECU/tonne)	21,23	14,16	8,80	6,32	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,53 per tonne; Great Lakes — Rotterdam: ECU 24,08 per tonne.

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

COMMISSION REGULATION (EC) No 83/98**of 13 January 1998****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 2462/97 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 January 1998.

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

Done at Brussels, 13 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 340, 11. 12. 1997, p. 40.

ANNEX

to the Commission Regulation of 13 January 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,73	3,57
1701 11 90 ⁽¹⁾	25,73	8,67
1701 12 10 ⁽¹⁾	25,73	3,43
1701 12 90 ⁽¹⁾	25,73	8,24
1701 91 00 ⁽²⁾	26,80	11,83
1701 99 10 ⁽²⁾	26,80	7,31
1701 99 90 ⁽²⁾	26,80	7,31
1702 90 99 ⁽³⁾	0,27	0,38

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 December 1997

authorising the Kingdom of the Netherlands to extend the application of a measure derogating from Article 21 of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(98/20/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27 thereof,

Having regard to the previous Decision 92/545/EEC⁽²⁾,

Having regard to the Commission report on the application of Decision 92/545/EEC,

Having regard to the Commission proposal arising from that report,

Whereas, under Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures derogating from that Directive in order to simplify the procedure for charging tax or to prevent certain types of tax evasion or avoidance;

Whereas, by letter registered at the Commission on 15 November 1996, the Kingdom of the Netherlands requested authorisation to extend the application of the derogation measure previously granted to it for a limited period by Decision 92/545/EEC;

Whereas the other Member States were informed on 21 April 1997 of the request from the Kingdom of the Netherlands;

Whereas the derogation involves collecting from the ready-to-wear clothing firm the VAT normally due from the subcontractor under Article 21(1)(a) of Directive 77/388/EEC;

Whereas the Commission report on the application of the derogation has shown that the derogation measure satisfies the conditions for the application of Article 27 of the said Directive;

Whereas the Commission adopted on 10 July 1996 a work programme and a timetable of proposal providing for gradual, step-by-step progress towards a common VAT system for the internal market;

Whereas, as the final package of proposals is scheduled for mid-1999, the authorisation is to be granted until 31 December 1999 so as to enable an assessment then to be made of the derogation measure's consistency with the overall approach of the new common system of VAT;

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive last amended by Directive 96/95/EC (OJ L 338, 28. 12. 1996, p. 89).

⁽²⁾ OJ L 351, 2. 12. 1992, p. 33.

Whereas this derogation will not have an adverse impact on the Community's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 21(1)(a) of Directive 77/388/EEC, the Kingdom of the Netherlands is hereby authorised to apply until 31 December 1999 in the ready-to-wear clothing industry a scheme for shifting the subcontractors obligation to pay over VAT to the tax authorities from the subcontractor to the clothing firm (the contractor).

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

COUNCIL DECISION**of 19 December 1997****amending Decision 83/653/EEC on the allocation of the possibilities for catching
herring in the North Sea as from 1 January 1984**

(98/21/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8(4)(ii) thereof,

Having regard to the proposal from the Commission,

Whereas Decision 83/653/EEC ⁽²⁾ sets out the method for the allocation of the possibilities for catching herring in the North Sea with a reference to the share of the TAC (Total Allowable Catch) available to the Community as constituted before the accession of Austria, Sweden and Finland;

Whereas the 1994 Act of Accession defines the share of North Sea herring allocated to Sweden as a percentage of the share of the TAC for this stock available to the enlarged Community;

Whereas it is appropriate to amend Decision 83/653/EEC in order to refer specifically to the enlarged Community and to include Sweden in the allocation,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision No 83/653/EEC shall be replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 December 1997.

*For the Council**The President*

F. BODEN

⁽¹⁾ OJ L 389, 31.12.1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 371, 31. 12. 1983, p. 39.

ANNEX

Method of calculation of the quotas allocated to Member States

(CS denotes Community share)

Member State	For a CS less than 100 000 tonnes	For a CS between 100 000 and 157 252 tonnes	For a CS between 157 253 and 254 648 tonnes	For a CS equal to or greater than 254 649 tonnes
Belgium	$0,071000 * CS$	7 100	$0,013862 * CS + 4\,920$	$0,009857 * (CS - 254\,649) + 8\,450$
Denmark	$0,193459 * CS$	$0,208469 * CS - 1\,501$	$0,232238 * CS - 5\,239$	$0,344985 * (CS - 254\,649) + 53\,900$
Germany	$0,121654 * CS$	$0,131094 * CS - 944$	$0,175356 * CS - 7\,904$	$0,172492 * (CS - 254\,649) + 36\,750$
France	$0,126222 * CS$	$0,136022 * CS - 980$	$0,092304 * CS + 5\,894$	$0,083782 * (CS - 254\,649) + 29\,400$
The Netherlands	$0,252446 * CS$	$0,272045 * CS - 1\,960$	$0,260073 * CS - 77$	$0,202062 * (CS - 254\,649) + 66\,150$
Sweden	$0,014330 * CS$	$0,014330 * CS$	$0,014330 * CS$	$0,014330 * (CS - 254\,649) + 3\,649$
United Kingdom	$0,220889 * CS$	$0,238039 * CS - 1\,715$	$0,211837 * CS + 2\,406$	$0,172492 * (CS - 254\,649) + 56\,350$

COUNCIL DECISION
of 19 December 1997
establishing a Community action programme in the field of civil protection

(98/22/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Whereas the action taken by the Community in this field since 1985 has made it possible progressively to develop cooperation between the Member States; whereas the resolutions adopted since 1987 ⁽⁵⁾ constitute the basis for this cooperation;

Whereas Community cooperation in the field of civil protection helps to achieve the objectives of the Treaty by promoting solidarity among Member States, raising the quality of life and contributing to preserving and protecting the environment;

Whereas the Community programme of policy and action in relation to the environment and sustainable development ⁽⁶⁾ presented by the Commission envisages that the Community's activity will be stepped up in the fields of civil protection and environmental emergencies;

Whereas the establishment of a Community action programme providing support measures will help to develop cooperation in this field even more effectively; whereas such a programme should be based to a large extent on experience already gained in this field;

Whereas action to prepare those responsible for, and involved in, civil protection in the Member States is important in order to increase their degree of preparedness;

Whereas it is also important to undertake action targeted at the general public so as to help European citizens to protect themselves more effectively;

Whereas the Permanent Network of National Correspondents on Civil Protection will continue to play an active role for matters relating to civil protection;

Whereas a Committee of Member States' representatives will be established to assist the Commission in the implementation of this Decision;

Whereas, in accordance with the principle of subsidiarity, Community cooperation supports and supplements national policies in the field of civil protection in order to make them more effective; whereas pooling of experience and mutual assistance will help to reduce the loss of human life, injuries and economic and environmental damage throughout the Community;

Whereas it is appropriate to pay particular attention to the outermost or isolated regions of the Community, because of their characteristics;

Whereas the programme should not last for more than two years (1998, 1999);

Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, is included in this Decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS ADOPTED THIS DECISION:

Article 1

A Community action programme (hereinafter called 'the programme') in the field of civil protection is hereby established in order to contribute to the protection of persons, environment and property in the event of a natural or technological disaster, without prejudice to the internal division of competences in Member States.

The programme is intended to support and supplement Member States' efforts within the framework of their action on national, regional and local levels in matters of civil protection, as well as to facilitate cooperation between Member States in this field.

⁽¹⁾ OJ C 142, 8. 6. 1995, p. 19 and OJ C 202, 12. 7. 1996, p. 9.

⁽²⁾ OJ C 141, 13. 5. 1996, p. 258.

⁽³⁾ OJ C 301, 13. 11. 1995, p. 3.

⁽⁴⁾ OJ C 100, 2. 4. 1996, p. 111.

⁽⁵⁾ OJ C 176, 4. 7. 1987, p. 1; OJ C 44, 23. 2. 1989, p. 3; OJ C 315, 14. 12. 1990, p. 1; OJ C 315, 14. 12. 1990, p. 3; OJ C 198, 27. 7. 1991, p. 1; OJ C 313, 10. 11. 1994, p. 1.

⁽⁶⁾ OJ C 138, 17. 5. 1993, p. 5.

This programme excludes any measures aimed at the harmonisation of the laws and regulations of the Member States or of the organising of the national preparedness of the Member States.

Article 2

1. The programme shall start on 1 January 1998 and end on 31 December 1999.

2. A plan to implement the programme, established for two years and to be reviewed annually, shall be adopted, in accordance with the procedure laid down in Article 4 and on the basis, *inter alia*, of the information supplied by Member States to the Commission.

The financial reference amount for the implementation of the programme shall be ECU 3 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

3. Actions under the programme, the financial arrangements and an indicative allocation of resources are set out in the Annex.

Article 3

1. The plan for implementing the programme shall contain the individual actions to be undertaken.

2. Individual actions shall be selected primarily on the basis of the following criteria:

- (a) contribution to lessening the risk and damage to persons, environment and property in the event of a natural or technological disaster;
- (b) contribution to increasing the degree of preparedness of those involved in civil protection in the Member States, in order to increase their ability to respond to an emergency;
- (c) contribution to improving techniques and methods of response: pilot projects;
- (d) contribution to public information, education and awareness, so as to help citizens to protect themselves more effectively.

3. Each individual action shall be implemented in close cooperation with the competent authorities.

4. Each action shall take account of the results of the Community and national research in the relevant fields.

5. The Commission and Member States shall contribute to the consistency of the programme with other Community actions.

Article 4

For the implementation of the programme, the Commission shall be assisted by a Committee composed of representatives of the Member States and chaired by a representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be adopted by the majority provided for in Article 148(2) of the Treaty for the adoption of decisions which the Council is to take on a proposal from the Commission. The votes of representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- (a) the Commission shall defer application of the measures which it has decided for a period of three months from the date of communication;
- (b) the Council, acting by a qualified majority, may take a different decision within the time limit referred to in (a).

Article 5

The Commission shall evaluate annually the progress in implementing the plan and present a written evaluation report to the committee referred to in Article 4 accordingly.

Article 6

This Decision shall apply with effect from 1 January 1998.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

ANNEX

Action	Financing arrangements	Indicative allocation of resources
<p>A. Action contributing to increasing the degree of preparedness of those involved in civil protection</p> <p><i>1. Training</i></p> <p>Organisation of (mainly self-tuition) workshops bringing together high-level experts from the Member States permitting, within each discipline, the mutual sharing of experience by means of in-depth discussions of their methods, techniques and means with a view to:</p> <ul style="list-style-type: none"> — increasing their degree of preparedness, — creating the conditions for the establishment of a human network permitting more effective operational cooperation between Member States in case of emergency. <p><i>2. Exchange of experts</i></p> <p>Organisation of exchanges of Member State experts enabling them to follow short training courses in another Member State.</p> <p>Organisation of the secondment of one or more experts to the civil protection service(s) of another Member State in order to allow the expert(s) to present certain training courses or modules, to gain experience or appraise different techniques used or to study the approaches taken within other civil protection services.</p> <p><i>3. Community simulation exercises</i></p> <p>These exercises are intended to compare methods and to back up progress in national civil protection systems.</p>	<p>Maximum Community financial contribution: 75 % of the total cost of the action, with a ceiling of ECU 62 500 per action</p> <p>Maximum 75 % of the experts' travel and subsistence expenses and 100 % of the costs of co-ordinating the system</p> <p>Maximum Community financial contribution: 50 % of the participation costs of observers from the Member States invited by the organising State, the cost of organising the associated workshops, preparing the exercise, the final report, etc.</p>	58 to 70 %
<p>B. Projects contributing to improving techniques and methods of response (pilot projects)</p> <p>Projects designed to increase the Member States' response capacity. These projects are aimed mainly at improving means, techniques and procedures. Their scope must be such as to interest all or several Member States, and could include projects for the implementation of new technologies related to civil protection.</p>	<p>Maximum Community financial contribution: 50 % of the total cost of each project</p>	15 to 20 %

Action	Financing arrangements	Indicative allocation of resources
<p>C. Action contributing to improving public information, education and awareness, so as to help citizens to protect themselves more effectively ⁽¹⁾ ⁽²⁾</p> <p>Action encouraging exchanges of experience between Member States, regions and local authorities in the field of initiatives to improve public information, education and awareness, so as to help citizens to protect themselves more effectively. The idea is to build on the work done by the Member States and to enable the authorities and other organisations concerned to benefit from similar experience in other Member States. The target group is the general public.</p> <p>Distribution of information material and travelling exhibitions on Community cooperation in the field of civil protection.</p>	<p>Maximum Community financial contribution: 50 % of the total cost of each action</p> <p>100 % financing</p>	15 to 20 %
<p>D. Mobilisation of expertise</p> <p>Mobilisation, as provided for in the civil protection operational manual, of expertise to reinforce the arrangements made in the Member States by authorities facing emergencies resulting from natural or technological disasters.</p> <p>Mobilisation of expertise requested by third countries in specific emergency situations — on condition that these actions are not eligible for ECHO or other Community instruments.</p>	<p>Community financial contribution: 100 % of costs of experts' missions</p>	2 %

⁽¹⁾ Community action in the field of public health is excluded from this programme (see in particular Decision No 645/96/EC of the European Parliament and of the Council of 29 March 1996 adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health (1996 to 2000) (OJ L 95, 16.4.1996, p. 1).

⁽²⁾ Action C should include conferences and other civil protection events open to large audiences (maximum Community financial contribution: 30 %, with a ceiling of ECU 25 000) and other support actions to promote civil protection activities in Member States, (maximum Community financial contribution: 50 % of the total cost of the action).

COUNCIL DECISION**of 19 December 1997****authorising the United Kingdom to extend application of a measure derogating from Article 28e(1) of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes**

(98/23/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value-added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27 thereof,

Having regard to the previous Decision 92/546/EEC⁽²⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion and avoidance;

Whereas, by letter registered at the Commission on 21 February 1997, the United Kingdom requested authorisation to extend application of the derogation measure previously granted to it by Decision 92/546/EEC until 31 December 1996;

Whereas the other Member States were informed on 6 May 1997 of the United Kingdom's request;

Whereas, pursuant to Decision 92/546/EEC, the United Kingdom is authorised to introduce a special measure allowing the appropriate authorities to direct that the open-market value be taken as the taxable amount for intra-Community acquisitions of goods where the person acquiring the goods is not a fully taxable person and there are family, legal or business ties, specified in national legislation, between the person acquiring the goods and the supplier;

Whereas Decision 92/546/EEC empowered the United Kingdom to supplement a special measure authorised by Council Decision⁽³⁾, deemed to have been adopted on 11 April 1987, permitting the United Kingdom to direct that the open-market value be taken as the taxable amount for supplies of goods and services or imports where the recipient is a totally or partially exempt person and there are family, legal or business ties, specified in national legislation, between the person supplying the goods or services and the recipient or between the person importing the goods and the person to whom payment for them has to be made;

Whereas the purpose of the measure in question is to prevent persons with family, legal or business ties, specified in national legislation, from artificially reducing the prices of taxable transactions;

Whereas according to the case law of the Court of Justice of the European Communities⁽⁴⁾, national derogation measures which are intended to prevent fraud or tax avoidance are to be interpreted strictly and can be used to derogate from the rules for determining the taxable amount only within the limits strictly necessary to achieve this objective;

Whereas, the special measure is to apply only in cases where the administration is able, based on the facts, to conclude that the determination of the taxable amount provided for in Article 28e of Directive 77/388/EEC is influenced by family, business or legal ties between the person who acquires the goods and the supplier; whereas the administration may not act on mere presumptions, and the parties concerned must be allowed to adduce evidence to the contrary where they dispute the level of the open value established by the administration;

Whereas the measure is limited in scope insofar as it will apply only to taxable transactions where the recipient is a totally or partially exempt person;

Whereas, given the limited scope of the derogation, the special measure is proportionate to the aim pursued;

⁽¹⁾ OJ L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 96/95/EC (OJ L 338, 28. 12. 1996, p. 89).

⁽²⁾ OJ L 351, 2. 12. 1992, p. 34.

⁽³⁾ OJ L 132, 21. 5. 1987, p. 22.

⁽⁴⁾ See Judgments of 10 April 1984, the Commission/Belgium (324/82, ECR 1984, p. 1861, item 29) and of 29 May 1997, Werner Skripalle (63/96, ECR 1997, p. I-2847).

Whereas the Commission adopted on 10 July 1996 a work programme, accompanied by a schedule of proposals, providing for gradual, stage-by-stage progress towards a common VAT system for the internal market;

Whereas, as the final package of proposals is scheduled for mid-1999, the authorization is being granted until 31 December 1999 so as to enable an assessment to be made at that time as to whether the derogation measure is consistent with the overall approach adopted under the new common VAT system;

Whereas this derogation will have an adverse impact on the Communities' own resources arising from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 28e(1) of Directive 77/388/EEC, the United Kingdom is hereby authorized, until 31 December 1999, to apply a special measure allowing the appropriate authorities to direct that the open-market value be taken as the taxable amount for

intra-Community acquisitions of goods when the following two conditions are met:

- the person who acquires the goods is not a fully taxable person and there are family, legal or business ties specified in national legislation, between the person acquiring the goods and the supplier,
- a number of facts make it possible to conclude that these family, business or legal ties have influenced the determination of the taxable amount provided for in the said Article 28e.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

COMMISSION

COMMISSION DECISION

of 15 December 1997

amending Decision 96/490/EC on certain protective measures with regard to
Gyrodactylus salaris in salmonids

(Text with EEA relevance)

(98/24/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 thereof,

Whereas the Commission, by Decision 96/490/EC⁽³⁾ has adopted measures aiming to protect certain regions in the Community from the introduction of *Gyrodactylus salaris*;

Whereas Finland, by letter of 30 September 1997, has requested that certain water catchment areas situated on its territory require protection from the introduction of *Gyrodactylus salaris*; whereas this includes a buffer zone where stringent movement restrictions for salmonid fish apply;

Whereas Finland carries out a testing and surveillance programme in these water catchment areas;

Whereas the Member States to which protective measures with regard to *Gyrodactylus salaris* apply, have a testing and surveillance programme for *Gyrodactylus salaris* in place; whereas the results thereof should be regularly communicated to the Commission;

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

Commission Decision 96/490/EC is hereby amended as follows:

1. The following sentence is added to Article 3 (1):

‘The movement of live salmonids from the buffer zone mentioned in point 3 of the Annex to the other regions referred to in the Annex shall not be allowed.’

2. Article 4 is replaced by the following text:

‘The competent authorities of the Member States responsible for the regions referred to in the Annex shall submit their salmonid livestock to continuous surveillance testing and laboratory examination in order to verify the absence of *Gyrodactylus salaris* and present each year, not later than 1 July, all the results thereof to the Commission.’

3. The Annex is replaced by the following text:

‘ANNEX

REGIONS

1. The following regions in the United Kingdom:
Great Britain, Northern Ireland, The Isle of Man, Guernsey.
2. Ireland.
3. The following water catchment areas in Finland:
Tenojoki, Näätämönjoki, (buffer zone: Paatsjoki, Luttojoki, Uutuanjoki).’

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 202, 10. 8. 1996, p. 21.

Article 2

Member States shall alter the measures they apply to trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION**of 15 December 1997****on Community financial aid towards the eradication of classical swine fever in the Netherlands****(Only the Dutch text is authentic)**

(98/25/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 ⁽¹⁾, as last amended by Commission Decision 94/370/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas outbreaks of classical swine fever have occurred in the Netherlands in 1997; whereas the appearance of the disease represents a serious danger to Community livestock and whereas the Community is able to provide compensation for losses suffered with a view to contributing towards the speedy eradication of the disease;

Whereas the Dutch authorities have reported that they took the requisite steps, including the measures listed in Article 3(2) of Decision 90/424/EEC, as soon as the outbreak of classical swine fever was officially confirmed;

Whereas the Netherlands have sent the Commission various technical and financial reports and an application for reimbursement in respect of the first 217 outbreaks occurring in that country;

Whereas the Commission has conducted a check to ensure that all the Community veterinary rules were complied with and that the conditions for financial assistance from the Community were met;

Whereas in the light of the facts which the Commission has observed and reported to the Dutch authorities, an initial advance should be paid, irrespective of the final decision concerning the overall contribution and any reductions therein;

Whereas, moreover, in view of the funds available, a financial contribution can only be paid in respect of the first 195 outbreaks at this stage;

Whereas a financial contribution may subsequently be paid in respect of later outbreaks on the basis of the results of the check referred to above;

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

Funds of up to ECU 31,3 million shall be made available to the Netherlands by way of a financial contribution from the Community towards compensating owners of infected holdings and holdings in contact therewith, in respect of the first 195 outbreaks of classical swine fever occurring in that Member State in 1997.

Article 2

1. The Community financial contribution shall be paid on production of supporting documents.

2. The documents referred to in paragraph 1 shall comprise:

(a) an epidemiological report on each pigfarm where slaughtering has taken place. Such reports shall include details of the following:

(i) infected holdings:

- the location and address,
- the date on which infection with the disease was suspected and date on which infection was confirmed,
- the number of pigs slaughtered and destroyed and the date,
- the method of slaughter and destruction,
- the type and the number of samples collected and examined when infection with the disease was suspected; the results of examinations conducted,
- the type and the number of samples collected and examined when the livestock was removed from the infected holdings; the results of examinations conducted,

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ L 168, 2. 7. 1994, p. 31.

- the presumed origin of the infection after completion of the epidemiological examination;

(ii) holdings in contact with infected holdings:

- the particulars specified in the first, third, fourth and sixth indents of point (i),
- the infected holding (outbreak) with which contact is confirmed or suspected to have taken place; the type of contact involved;

- (b) a financial report giving a list of recipients and their addresses, the number of animals slaughtered, the date of slaughter and the sum paid, exclusive of VAT.

Article 3

The supporting documents referred to in Article 2 shall be forwarded by the Netherlands by 19 December 1997 at the latest.

Article 4

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 15 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 16 December 1997

amending Decision 97/297/EC on the eligibility of expenditure to be incurred by certain Member States in 1997 for the purpose of introducing monitoring and control systems applicable to the common fisheries policy

(98/26/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/527/EC of 8 December 1995 on a Community financial contribution towards certain expenditure incurred by the Member States implementing the monitoring and control systems applicable to the common fisheries policy⁽¹⁾, and in particular Article 6 thereof,

Whereas certain Member States informed the Commission, pursuant to Article 8 of Decision 95/527/EC, that a part of their expenditure which had been eligible, would not be realised in 1997; whereas certain Member States informed the Commission that part of their expenditure foreseen for 1998 could be realised in 1997;

Whereas Commission Decision 97/297/EC⁽²⁾ on the eligibility of expenditure to be incurred by certain Member States in 1997 for the purpose of introducing monitoring and control systems applicable to the common fisheries policy, modified by Decision 97/573/EC⁽³⁾, should consequently be amended;

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

Article 1

Decision 97/297/EC is hereby amended as follows:

1. in the first sentence of Article 1, the amount of 'ECU 71 606 685' is replaced by 'ECU 73 176 804,-';
2. in the third sentence of Article 1, the amount of 'ECU 28 735 863' is replaced by 'ECU 29 108 528,-';
3. in the first sentence of Article 2, the amount of 'ECU 4 381 073' is replaced by 'ECU 2 406 346,-';
4. Annex I is replaced by Annex I to this Decision;
5. Annex II is replaced by Annex II to this Decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 16 December 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 301, 14. 12. 1995, p. 30; Corrigendum in OJ L 302, 15. 12. 1995, p. 45.

⁽²⁾ OJ L 122, 14. 5. 1997, p. 24.

⁽³⁾ OJ L 236, 27. 8. 1997, p. 19.

*ANEXO I / BILAG I / ANHANG I / ΠΑΡΑΡΤΗΜΑ I / ANNEX I / ANNEXE I / ALLEGATO I /
BIJLAGE I / ANEXO I / LIITE I / BILAGA I*

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-membro Jäsenvaltio Medlemsstat	Gastos subvencionables en moneda nacional Støtteberettigede udgifter i national valuta Erstattungsfähige Ausgaben in nationaler Währung Επιλέξιμες δαπάνες σε εθνικό νόμισμα Eligible expenditure in national currency Dépenses admissibles en monnaie nationale Spese ammissibili in moneta nazionale In aanmerking komende uitgaven in nationale valuta Despesas elegíveis em moeda nacional Hyväksyttävät kustannukset kansallisessa valuutassa Bidragsberättigande kostnader i nationell valuta	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät kustannukset Bidragsberättigande kostnader (ECU)	Contribución máxima de la Comunidad Fællesskabets maksimale finansielle bidrag Maximaler Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Maximum Community contribution Participation communautaire maximale Contributo massimo della Comunità Maximale bijdrage van de Gemeenschap Contribuição máx. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag (ECU)
België/Belgique	BEC 3 200 000,-	79 843,-	39 921,-
Danmark	DKR 20 000 000,-	2 687 301,-	900 246,-
Deutschland	DM 8 977 068,-	4 614 557,-	2 153 001,-
Ελλάδα	DRA 5 274 500 000,-	17 043 380,-	4 841 263,-
España	PTA 1 307 522 000,-	7 976 391,-	2 661 849,-
France	FF 17 046 253,-	2 597 540,-	624 462,-
Ireland	IRL 1 249 000,-	1 671 646,-	258 309,-
Italia	LIT 12 761 200 000,-	6 675 175,-	3 321 581,-
Nederland	HFL 1 540 000,-	705 306,-	196 938,-
Portugal	ESC 2 275 850 000,-	11 620 373,-	5 787 465,-
Suomi	FMK 1 900 000,-	326 851,-	103 216,-
Sverige	SKR 17 404 000,-	2 027 042,-	964 021,-
United Kingdom	UKL 11 196 229,-	15 137 799,-	7 256 256,-
Total / I alt / Σύνολο / Totale / Totaal / Yhteensä		73 176 804,-	29 108 528,-

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-membro Jäsenvaltio Medlemsstat	Gastos subvencionables en moneda nacional Støtteberettigede udgifter i national valuta Erstattungsfähige Ausgaben in nationaler Währung Επιλέξιμες δαπάνες σε εθνικό νόμισμα Eligible expenditure in national currency Dépenses admissibles en monnaie nationale Spese ammissibili in moneta nazionale In aanmerking komende uitgaven in nationale valuta Despesas elegíveis em moeda nacional Hyväksyttävät kustannukset kansallisessa valuutassa Bidragsberättigande kostnader i nationell valuta	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät kustannukset Bidragsberättigande kostnader (ECU)	Contribución máxima de la Comunidad Fællesskabets maksimale finansielle bidrag Maximaler Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Maximum Community contribution Participation communautaire maximale Contributo massimo della Comunità Maximale bijdrage van de Gemeenschap Contribuição máx. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag (ECU)
België/Belgique	BEC 9 800 000,-	244 520,-	244 520,-
Danmark	DKR 1 650 012,-	221 704,-	221 704,-
Deutschland	DM 10 001,-	5 141,-	5 141,-
Ελλάδα	DRA —	—	—
España	PTA 62 000 000,-	378 224,-	378 224,-
France	FF —	—	—
Ireland	IRL 360 000,-	481 819,-	481 819,-
Italia	LIT —	—	—
Nederland	HFL 200 000,-	91 598,-	91 598,-
Portugal	ESC 78 400 000,-	400 307,-	400 307,-
Suomi	FMK 600 000,-	103 216,-	103 216,-
Sverige	SKR —	—	—
United Kingdom	UKL 355 000,-	479 817,-	479 817,-
Total / I alt / Σύνολο / Totale / Totaal / Yhteensä		2 406 346,-	2 406 346,-