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⁽¹⁾ Text with EEA relevance

(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 29 June 1998

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on good practice in mutual legal assistance in criminal matters

(98/427/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof,

Having regard to the Report from the high-level group on organised crime⁽¹⁾ approved by the European Council held at Amsterdam on 16 and 17 June 1997, and in particular Recommendation No 16 of the Report,

Having regard to the results of the seminar on 'Improving judicial cooperation and protecting human rights' held in Luxembourg on 1 and 2 October 1997,

Taking into account the Joint Action 98/428/JHA of 29 June 1998, adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network⁽²⁾, and in particular Articles 4 and 5 thereof,

Having regard to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, other conventions in force in this area and the proposed Convention on mutual assistance in criminal matters between the Member States,

Whereas it is necessary to make further practical improvements regarding mutual legal assistance between the Member States, particularly for the purpose of combating serious crime,

Having examined the views of the European Parliament⁽³⁾, following consultation carried out by the Presidency in accordance with Article K.6 of the Treaty,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

Statements of good practice

1. Each Member State shall deposit with the General Secretariat of the Council of the European Union within 12 months of the coming into force of this Joint Action a

Statement of good practice in executing requests, including transmission of results, from other Member States and sending requests to other Member States for legal assistance in criminal matters.

2. The General Secretariat of the Council shall translate the Statements referred to in Article 1 into the official languages of the Community and circulate the translations to Member States.

3. The Statements by each Member State referred to in paragraph 1 shall, without prejudice to the provisions of the proposed Convention on mutual assistance in criminal matters between the Member States, and subject to the Declaration annexed to this Joint Action, include undertakings to promote the following practices in accordance with its national law and legal procedures:

(a) where requested to do so by the requesting Member State, to acknowledge all requests and written enquiries concerning the execution of requests unless a substantive reply is sent quickly; the requesting Member State may not require an acknowledgment unless the request is marked 'urgent' by that Member State or, in its view, an acknowledgment is necessary in the light of the circumstances of the case;

(b) when acknowledging the requests and enquiries referred to in this paragraph, to provide the requesting authority with the name and contact details, including telephone and fax numbers, of the authority, and if possible the person, responsible for executing the request;

(c) to give priority, as far as it is not contrary to the law of the requested Member State, to requests which have clearly been marked 'urgent' by the requesting authority; and to treat requests, whether or not marked 'urgent', no less favourably than comparable enquiries made in the requested Member State on behalf of that Member State's own authorities;

⁽¹⁾ OJ C 251, 15. 8. 1997, p. 1.

⁽²⁾ See page 4 of this Official Journal.

⁽³⁾ Opinion delivered on 3 April 1998 (OJ C 138, 4.5.1998).

- (d) where the assistance requested cannot be executed in whole or in part, to give the requesting authorities a written or oral report explaining the difficulty and where possible offering to consider jointly with the requesting authority how the difficulty might be overcome;
- (e) where it is foreseeable that the assistance cannot, or cannot fully, be provided within any deadline set by the requesting Member State and that this will impair proceedings in the requesting Member State, promptly to give its authority a written or oral report, and any further reports requested by that authority explaining when the assistance requested is likely to be provided;
- (f) to submit requests for assistance as soon as the precise assistance needed is identified and, where a request is marked 'urgent' or a deadline is indicated, to explain the reasons for the urgency or deadline; the Statement shall include an undertaking not to mark as 'urgent' requests which are of minor importance;
- (g) to ensure that requests are submitted in compliance with the relevant treaty or other international arrangements;
- (h) when submitting requests for assistance, to provide the requested authorities with the name and contact details, including telephone and fax numbers, of the authority and, if possible, the person responsible for issuing the request.

4. Each Member State shall bring its Statement to the attention of its judicial or competent authorities, inviting them to promote measures within their competence as may be necessary with a view to its implementation.

5. Any Statement submitted in accordance with this Article may, without prejudice to paragraph 3, be modified at any time by the Member State which made it by means of a further Statement deposited with the General Secretariat of the Council. Any such further Statement shall be for the purposes of further improving good practice in executing requests for legal assistance in criminal matters.

Article 2

Review of performance

Without prejudice to the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised

crime, established in Joint Action 97/827/JHA⁽¹⁾, each Member State shall periodically review compliance with its Statements made in accordance with Article 1. The mechanism for such review shall be for each Member State to determine having regard to its own arrangements for legal assistance in criminal matters.

Article 3

European Judicial Network

The General Secretariat of the Council shall make the Statements referred to in Article 1(1) available to the European Judicial Network as soon as they are deposited. The Network shall take stock of the Statements in the light of its own competencies and experience, and may make any proposals it considers appropriate with a view to improving legal assistance in criminal matters, including finding common methods for evaluation of performance.

Article 4

Review

The Council shall review this Joint Action in the light of the results of the operation of the mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime, established in Joint Action 97/827/JHA.

Article 5

Entry into force

This Joint Action shall enter into force on the day of its publication.

Article 6

Publication

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

⁽¹⁾ OJ L 344, 15. 12. 1997, p. 7.

*ANNEX***DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY**

The Federal Republic of Germany states that the German authorities will issue acknowledgements pursuant to Article 1(3)(a) and (b) of the Joint Action on good practice in mutual legal assistance in criminal matters if they are of the opinion that these are appropriate for expediting the execution of the relevant request or the written enquiry.

JOINT ACTION**of 29 June 1998****adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network****(98/428/JHA)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular K.3(2)(b) thereof,

TITLE I

Having regard to the initiative taken by the Kingdom of Belgium,

PRINCIPLES OF THE EUROPEAN JUDICIAL NETWORK

Having regard to the Action Plan to combat organised crime approved by the European Council in Amsterdam on 17 June 1997, and in particular Recommendation No 21 thereof,

*Article 1***Creation**

Bearing in mind the need for coordination between this initiative and the implementation of Recommendation No 19 in that Action Plan,

A network of judicial contact points shall be set up between the Member States, hereinafter referred to as 'the European Judicial Network'.

*Article 2***Composition**

Taking into account the conclusions of the seminars on 'The European judicial network and organised crime', held in Brussels from 8 to 10 May 1996 and on 19 and 20 June 1997, which were organised by the Belgian Ministry of Justice within the framework of a programme partly financed by the European Union, and also of the proceedings of the European Parliament and the European Commission,

1. The European Judicial Network shall be made up, taking into account the constitutional rules, legal traditions and internal structure of each Member State, of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation, both generally and for certain forms of serious crime, such as organised crime, corruption, drug-trafficking or terrorism.

Bearing in mind the Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union⁽¹⁾,

2. One or more contact points of each Member State shall be established in accordance with its internal rules and internal division of responsibilities, taking care to ensure effective coverage of the whole of its territory and of all forms of serious crime.

Whereas it is necessary to make further improvements to judicial cooperation between the Member States of the European Union, particularly in combating forms of serious crime often perpetrated by actual, in most cases transnational, organisations;

3. Each Member State shall ensure that its contact point or points have an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States.

Whereas effective improvement of judicial cooperation between the Member States requires the adoption of structural measures at European Union level to enable the appropriate direct contacts to be set up between judicial authorities and other authorities responsible for judicial cooperation and judicial action against forms of serious crime, within Member States;

4. Where the liaison magistrates referred to in Joint Action 96/277/JHA have duties analogous to those assigned by Article 4 to the contact points, they may be linked to the European Judicial Network by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.

Whereas this Joint Action is without prejudice to existing conventions and agreements, in particular the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959,

5. The Commission shall designate a contact point for those areas falling within its sphere of competence.

⁽¹⁾ OJ L 105, 27. 4. 1996, p. 1.

*Article 3***Manner of operation of the network**

The European Judicial Network shall operate in particular in the following three ways:

- (a) it shall facilitate the establishment of appropriate contacts between the contact points in the various Member States in order to carry out the functions laid down in Article 4;
- (b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in Articles 5, 6 and 7;
- (c) it shall constantly provide a certain amount of up-to-date background information, notably by means of an appropriate telecommunications network, under the procedures laid down in Articles 8, 9 and 10.

TITLE II

CONTACTS WITHIN THE NETWORK*Article 4***Functions of contact points**

1. The contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points, on the basis of an agreement between the administrations concerned.

2. The contact points shall provide the legal and practical information necessary to the local judicial authorities in their own country, to the contact points in the other countries and to the local judicial authorities in the other countries to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

3. They shall improve coordination of judicial cooperation in cases where a series of requests from the local judicial authorities in a Member State necessitates co-ordinated action in another Member State.

TITLE III

PERIODIC MEETINGS OF THE EUROPEAN JUDICIAL NETWORK*Article 5***Purpose of the periodic meetings**

1. The aims of the periodic meetings of the European Judicial Network shall be as follows:

- (a) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the network;
- (b) to provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.

2. The relevant experience acquired within the European Judicial Network shall be passed on to the competent European Union working parties to serve as a basis for discussion of possible legislative changes and practical improvements in the area of international judicial cooperation.

*Article 6***Frequency of meetings**

1. The European Judicial Network shall first meet within three months following the entry into force of this Joint Action.

2. The European Judicial Network shall thereafter meet periodically on an *ad hoc* basis, as its members feel the need, at the invitation of the Presidency of the Council, which shall also take account of the Member States' wishes for the Network to meet.

*Article 7***Venue of meetings**

1. Meetings shall in principle be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure.

2. However, alternative meetings in the Member States should be contemplated, to enable the contact points of all the Member States to meet authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime.

TITLE IV

INFORMATION AVAILABLE WITHIN THE EUROPEAN JUDICIAL NETWORK*Article 8***Content of the information disseminated within the European Judicial Network**

The contact points must have permanent access to the following four types of information:

1. full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;

2. a simplified list of the judicial authorities and a directory of the local authorities in each Member State;
3. concise legal and practical information concerning the judicial and procedural systems in the 15 Member States;
4. the texts of the relevant legal instruments and, for conventions currently in force, the texts of declarations and reservations.

Article 9

Updating of information

1. The information distributed within the European Judicial Network must without fail be constantly updated.
2. It shall be each Member State's individual responsibility to check the accuracy of the data contained in the system and to inform the Council immediately as soon as data on one of the four points referred to in Article 8 need to be amended.
3. The General Secretariat of the Council shall be responsible for the administration of the Network set up under this Joint Action. In particular, it shall be responsible for making the information referred to in Article 8 available to members of the European Judicial Network and for keeping the information required for the proper functioning of the Network constantly updated.

TITLE V

TELECOMMUNICATIONS NETWORK

Article 10

Report concerning a telecommunications system

1. Within six months of the entry into force of this Joint Action, the Council shall examine, on the basis of a report from the Presidency, drawn up after consultation of the European Judicial Network, whether the Network should be linked by a telecommunications network.
2. The Council shall lay down the details of the configuration of the telecommunications system in a decision taken by a qualified majority, in accordance with Article K.3(2)(b) of the Treaty on European Union.

TITLE VI

FINAL PROVISIONS

Article 11

Territorial application

As regards the United Kingdom, the provisions of this Joint Action shall apply to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man.

Article 12

Assessment of the operation of the European Judicial Network

The Council shall carry out an initial assessment of the operation of the European Judicial Network at the close of the start-up phase, which shall end one year after the entry into force of this Joint Action.

Thereafter the Council shall, every three years on the Presidency's initiative, carry out an assessment for the operation of the European Judicial Network on the basis of a report drawn up by the Network.

When the first triennial report is examined, the Council shall look at the position and role that the Network might fulfil *vis-à-vis* Europol, on the basis of experience of the operation of the network and of the development of Europol's powers.

Article 13

Entry into force

This Joint Action shall enter into force one month after the date of its publication in the Official Journal.

Article 14

Publication

The Joint Action shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

*ANNEX***COUNCIL DECLARATION**

The Council declares that Article 11 of the Joint Action on the creation of a European Judicial Network is without prejudice to the territorial application of other instruments.

JOINT ACTION

of 29 June 1998

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the *acquis* of the European Union in the field of Justice and Home Affairs

(98/429/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof,

Having regard to the conclusions of the European Council at Copenhagen in 1993 and Luxembourg in 1997,

Having regard to the conclusions of the meeting of the Council at Brussels on 19 March 1998,

Whereas it is desirable to establish a mechanism which enables experts from the Member States and the Commission to evaluate collectively within the framework of the Council the enactment, application and effective implementation by the applicant countries of the *acquis* of the European Union in the field of Justice and Home Affairs;

Whereas these evaluations should be taken into account by the Commission in the adjustment of the priorities and objectives of the Accession Partnerships and within the established structures of the European Union in the context of future discussions on enlargement,

Group of experts

1. A group of experts, to be established in accordance with the Council's rules of procedure under the supervision of the Committee of Permanent Representatives of the Member States (Coreper), shall have the task of preparing and keeping up-to-date collective evaluations of the situation in the candidate countries on the enactment, application and effective implementation of the *acquis* of the Union in the field of Justice and Home Affairs.

2. One or more Member States, in close association with the Commission, may give particular assistance in preparing and maintaining for a particular candidate country comprehensive reports which would form the basis of the evaluations referred to in paragraph 1, taking account of information made available under Article 3.

3. The group of experts shall avoid duplication of work already undertaken and overlap with other activities undertaken by the Union in this field.

Article 3

HAS ADOPTED THIS JOINT ACTION:

Compilation of information*Article 1***Objective**

1. Without prejudice to the competence of the Community or to the established structures for determining the position of the Member States in accession negotiations, a mechanism for collective evaluation of the enactment, application and effective implementation by the States which are candidates for accession to the European Union (the candidate countries) of the *acquis* of the Union in the field of Justice and Home Affairs shall be established in accordance with the provisions set out below.

2. Each Member State shall ensure that its national authorities cooperate fully in implementing the mechanism for collective evaluation established under this Joint Action (the evaluation mechanism).

1. All relevant material relating to the enactment, application and effective implementation by the candidate countries of the *acquis* of the Union in the field of Justice and Home Affairs shall be made available to the group of experts by the Member States and the Commission to enable the group to prepare and maintain collective evaluations of the situation in each candidate country and an assessment of possible problem areas.

2. The evaluations referred to in paragraph 1 shall as a first step draw in particular on:

- information provided individually and collectively by Member States based on their direct experience of working with the candidate countries, including information available within Schengen,
- reports, as appropriate, from Member States' Embassies and Commission delegations in the candidate countries, on the basis, where necessary, of a questionnaire to be prepared by the group of experts,

- information available to the Commission through its role in the overall process of accession, including reports from missions conducted in the framework of the PHARE programme,
- reports of the Council of Europe on the implementation of Council of Europe Conventions and recommendations, or by any other sources which are deemed to be relevant with regard to the content of the *acquis*.

3. If additional information is considered necessary, *ad hoc* teams of representatives and experts of Member States and the Commission shall be formed to carry out further missions on specific aspects, without overburdening the candidate countries. The decision whether to establish such missions and their composition, timing and terms of reference shall be decided by the Council, acting by qualified majority, on advice from the group of experts, in close cooperation with the Commission.

Article 4

Progress and results of the evaluation mechanism

1. The group of experts shall, through Coreper and in close cooperation with the Committee established under Article K.4 of the Treaty and with other Council bodies involved in the enlargement process, report to the Council on the progress and results of the evaluations. The group shall also keep other relevant Council bodies informed of its work.

2. The Commission is invited to take account of the collective evaluations in its proposals for significant adjustment of the priorities and objectives of the accession partnerships, which shall be submitted to the Council for decision in accordance with Article 2 of Council Regulation (EC) No 622/98 of 16 March 1998 on

assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships ⁽¹⁾. These evaluations shall also be taken into consideration within the established structures of the European Union in the context of future discussions on enlargement.

Article 5

Review of the evaluation mechanism

No later than one year after the entry into force of this Joint Action, the Council shall examine the operation and scope of the evaluation mechanism and shall, if appropriate, make adjustments to it.

Article 6

Entry into Force

This Joint Action shall enter into force on the day of its publication in the Official Journal.

Article 7

Publication

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

⁽¹⁾ OJ L 85, 20. 3. 1998, p. 1.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1434/98
of 29 June 1998
specifying conditions under which herring may be landed for industrial purposes
other than direct human consumption

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 43 thereof,

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

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

Whereas Council Regulation (EEC) No 2115/77 of 27 September 1977 prohibiting the direct fishing and landing of herring for industrial purposes other than human consumption ⁽³⁾ is founded upon a situation of over-exploitation which no longer exists in many geographical areas;

Whereas stocks of herring in the Baltic Sea, the Belts and the Sound are currently not threatened; whereas improved economical utilisation of these stocks allows them to be fished for purposes other than direct human consumption; whereas restriction on the industrial purpose for which landings from these stocks are made is not required;

Whereas industrial fishing for herring in the Baltic Sea may induce significant by-catches of young cod; whereas therefore such fishing should not be permitted in areas where young cod are abundant;

Whereas the state of the stock of herring in the North Sea, Skagerrak and Kattegat gives rise to serious concern;

Whereas for other stocks of herring in the North-East Atlantic, current fishing practice i.e. fishing for human consumption, gives rise to sufficiently high rates of exploitation; whereas, therefore, changes in the fishing practice for these stocks is undesirable;

Whereas the level of by-catches of herring should be limited in industrial fisheries targeted at other species;

whereas by-catches taken under such limitations may be used for industrial purposes;

Whereas Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾ provides for satellite monitoring of vessels engaged in fishing for industrial purposes from 1 July 1998 onwards;

Whereas Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound ⁽⁵⁾ stipulates conditions for fishing for herring in these waters;

Whereas Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽⁶⁾ stipulates conditions for retention on board and landing of herring caught in Regions 1 and 2 with fishing gears currently used for fishing for industrial purposes other than human consumption,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation, the following definitions of waters shall apply:

Region 1:

All waters which lie to the north and west of a line running from a point at latitude 48° N, longitude 18° W, thence due north to latitude 60° N, thence due east to longitude 5° W, thence due north to latitude 60°30' N, thence due east to longitude 4° W, thence due north to latitude 64° N, thence due east to the coast of Norway.

⁽¹⁾ OJ C 25, 24. 1. 1998, p. 19.

⁽²⁾ Opinion delivered on 19 June 1998 (not yet published in the Official Journal).

⁽³⁾ OJ L 247, 28. 9. 1977, p. 2.

⁽⁴⁾ OJ L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2205/97 (OJ L 304, 7. 11. 1997, p. 1.)

⁽⁵⁾ OJ L 9, 15. 1. 1998, p. 1.

⁽⁶⁾ OJ L 132, 23. 5. 1997, p. 1.

Region 2:

All waters situated north of latitude 48° N, but excluding the waters in Region 1 and ICES Divisions IIIb, IIIc and IIId.

Region 3:

All waters corresponding to ICES Sub-areas VIII and IX.

2. ICES Divisions IIIb, IIIc and IIId divided into 11 sub-divisions numbered 22 to 32 which are described in Annex I to Regulation (EC) No 88/98.

Article 2

1. Herring caught when fishing:

- in Regions 1 and 2 with nets of minimum mesh size less than 32 mm or,
- in Region 3 with nets of minimum mesh size less than 40 mm,

may not be retained on board unless such catches:

- (i) are taken within ICES Sub-area IV, consist of a mixture of herring and other species, are not sorted and the herring does not exceed 20 % by weight of the total combined weight of herring and other species caught by such gears and retained on board or,
- (ii) are taken within ICES Division IIIa, consist of a mixture only of sprat and herring, are not sorted and the herring does not exceed 10 % by weight of the total combined weight of herring and sprat caught by such gears and retained on board or,
- (iii) are taken within ICES Division IIIa, consist of a mixture of herring and other species whether or not including sprat, are not sorted and the herring does not exceed 5 % by weight of the total combined weight of the herring and other species caught by such gears and retained on board or,
- (iv) are taken outside ICES Sub-area IV or ICES Division IIIa, consist of a mixture of herring and other species, are not sorted and the herring does not exceed 10 % by weight of the total combined weight of herring and other species caught by such gears and retained on board.

2. Herring caught by Community fishing vessels when fishing in ICES Divisions IIIb, or IIIc or ICES Division IIId to the west of 16° E with nets of minimum mesh size less than 32 mm may not be retained on board unless such catches consist of a mixture of herring and other

species, are not sorted, and the herring does not exceed 20 % by weight of the total combined weight of herring and other species caught by such gears and retained on board.

3. Herring caught by Community fishing vessels when fishing:

- east of 16° E in Sub-divisions 25 to 27 of ICES Division IIId with nets of minimum mesh size less than 32 mm or,
- in Sub-division 28 of ICES Division IIId or in that part of Sub-division 29 of ICES Division IIId which lies south of latitude 59°30' N with nets of minimum mesh size less than 28 mm or,
- in Sub-divisions 30 to 32 of ICES Division IIId or in that part of Sub-division 29 of ICES Division IIId which lies north of latitude 59°30' N with nets of minimum mesh size less than 16 mm,

may not be retained on board unless such catches consist of a mixture of herring and other species, are not sorted, and the herring does not exceed 45 % by weight of the total combined weight of herring and other species caught by such gears and retained on board.

Article 3

1. Catches of herring taken:

- in Regions 1 and 2 with towed nets of minimum mesh size equal to or greater than 32 mm or,
- in Region 3 with towed nets of minimum mesh size equal to or greater than 40 mm or,
- in ICES Divisions IIIb or IIIc with towed nets of minimum mesh size equal to or greater than 32 mm or,
- in Sub-division 24 or that part of Sub-division 25 to the west of 16°00' E of ICES Division IIId with towed nets of minimum mesh size equal to a greater than 32 mm or,
- in Regions 1 or 2 or 3 or in ICES Divisions IIIb, or IIIc or in ICES Division IIId to the west of 16°00' E with any fishing gear other than towed nets,

shall not be landed for purposes other than direct human consumption unless they are first offered for sale for direct human consumption and fail to find a buyer.

2. However,

- any herring caught with any fishing gear in ICES Division IIId to the east of 16°00' E or,

— any herring caught with any fishing gear within the conditions specified in Article 2, may be landed for purposes other than direct human consumption.

Article 4

Not later than 31 December 2002 the Council shall decide, on the basis of a Report and Proposal from the Commission, on any necessary adjustments to this Regulation.

Article 5

Regulation (EEC) No 2115/77 is hereby repealed.

Article 6

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

It shall apply from 1 January 1999.

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

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

COUNCIL REGULATION (EC) No 1435/98

of 29 June 1998

prohibiting imports of Atlantic blue-fin tuna (*Thunnus thynnus*) originating in Belize, Honduras, and Panama

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 fishery resources, which are an exhaustible natural resource, must be protected in the interests of biological balances and global food security;

Whereas the European Community recognises the authority and the responsibility of the competent international organisations for stocks fished in international waters, and actively encourages their action; whereas the Community therefore subscribes to the objectives fixed by the International Commission for the Conservation of Atlantic Tuna (ICCAT) and endorses the measures in its 1994 and 1996 recommendations aimed at ensuring the effectiveness of the blue-fin tuna conservation programme;

Whereas the European Community has become a Contracting Party to ICCAT, as from 14 November 1997, and is therefore bound to implement the measures in question; whereas implementation must be handled by the Community, which has sole competence in the matter; whereas overfishing of Atlantic blue-fin tuna caused ICCAT to adopt an action plan in 1994 to ensure the effectiveness of measures to conserve the species; whereas the stocks concerned cannot be managed effectively by the ICCAT contracting parties, whose fishermen are obliged to reduce their catches of Atlantic blue-fin tuna, unless all non-contracting parties cooperate with ICCAT and comply with its conservation and management measures;

Whereas in 1995 ICCAT identified Belize, Honduras and Panama as countries whose vessels fish Atlantic blue-fin tuna in a manner prejudicial to the organisation's measures to conserve the species, substantiating its findings with data concerning catches, trade and the observation of vessels;

Whereas ICCAT's attempts to encourage the three countries to comply with measures for the conservation and management of Atlantic blue-fin tuna have been to no avail;

Whereas ICCAT has instructed the contracting parties to take appropriate measures to prohibit imports from Belize, Honduras and Panama of Atlantic blue-fin tuna products in any form; whereas this measure will be lifted as soon as it is established that the countries in question have brought their fishing practices into line with ICCAT's measures; whereas this measure must therefore be implemented by the Community;

Whereas this measure is compatible with the Community's obligations under other international agreements,

HAS ADOPTED THIS REGULATION:

Article 1

1. The release for free circulation in the Community of Atlantic blue-fin tuna (*Thunnus thynnus*) of CN codes 0302 39 11, 0302 39 91, 0303 49 21, 0303 49 23, 0303 49 29, ex 0303 49 90, ex 0304 10 98, ex 0304 20 45, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 14 11, ex 1604 14 16, ex 1604 14 18 and ex 1604 20 70 originating in Belize, Honduras and Panama is hereby prohibited.

2. The landing of products mentioned in paragraph 1 for the purposes of Community transit is hereby prohibited.

Article 2

This Regulation shall not apply to quantities of the products referred to in Article 1(1) which can be shown to the satisfaction of the competent national authorities to have been under way to Community territory on the date of its entry into force and which are released for free circulation no later than fourteen days after that date.

Article 3

This Regulation shall enter into force on the seventh day following that 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 Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

COMMISSION REGULATION (EC) No 1436/98
of 3 July 1998
authorising certain additives 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 93/113/EC of 14 December 1993 concerning the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition ⁽¹⁾, as last amended by Council Directive 97/40/EC ⁽²⁾, and in particular Article 5 thereof,

Whereas Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽³⁾, as last amended by Commission Directive 98/19/EC ⁽⁴⁾, lays down that new additives or new additive uses may be authorised in line with advances in scientific and technical knowledge;

Whereas Directive 93/113/EC, by derogation from Directive 70/524/EEC, authorises Member States to permit provisionally the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition;

Whereas examination of the dossiers, submitted by the Member States in accordance with Article 3 of Directive 93/113/EC, indicates that a certain number of substances in the groups of enzymes and micro-organisms can be provisionally authorised;

Whereas the Scientific Committee for animal nutrition has delivered a favourable opinion with regard to the harmlessness of these substances;

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

The substances belonging to the group 'enzymes' and listed in Annex I to this Regulation may be authorised as additives in animal nutrition under the conditions laid down in that Annex.

Article 2

The substances belonging to the group 'micro-organisms' and listed in Annex II to this Regulation may be authorised as additives in animal nutrition under the conditions laid down in that Annex.

Article 3

This Regulation shall enter into force on 1 July 1999.

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

Done at Brussels, 3 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 334, 31. 12. 1993, p. 17.

⁽²⁾ OJ L 180, 9. 7. 1997, p. 21.

⁽³⁾ OJ L 270, 14. 12. 1970, p. 1.

⁽⁴⁾ OJ L 96, 28. 3. 1998, p. 39.

ANNEX I

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
2	3-Phytase EC 3.1.3.8	Preparation of 3-phytase produced by <i>Aspergillus oryzae</i> (DSM 10 289) having a minimum activity of: Coated form: 2 500 FYT (/g) Liquid form: 5 000 FYT/g	Piglets	Four months	250 FYT	1 000 FYT	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500 FYT. 3. For use in compound feed rich in phytates, e.g. containing more than 40 % cereals (corn, barley, oats, wheat, rye, triticale), oilseeds and pulses.	30. 9. 1999
			Pigs for fattening	—	400 FYT	1 000 FYT	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500 FYT. 3. For use in compound feed rich in phytates, e.g. containing more than 40 % cereals (corn, barley, oats, wheat, rye, triticale), oilseeds and pulses.	30. 9. 1999
			Chickens for fattening	—	200 FYT	1 000 FYT	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500 FYT. 3. For use in compound feed rich in phytates, e.g. containing more than 40 % cereals (corn, barley, oats, wheat, rye, triticale), oilseeds and pulses.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
3	Alpha-galactosidase EC 3.2.1.22	Preparation of alpha-galactosidase produced by <i>Aspergillus oryzae</i> (DSM 10 286) having a minimum activity of: Liquid form: 1 000 GALU (°)/g	Chickens for fattening	—	300 GALU	1 000 GALU	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 450 GALU. 3. For use in compound feed rich in oligosaccharides, e.g. containing more than 25 % soy meal, cotton seed cakes, peas.	30. 9. 1999
4	Endo-1,3(4)-beta- glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta- glucanase produced by <i>Aspergillus</i> <i>aculeatus</i> (CBS 589/94) having a minimum activity of: Coated form: 50 FBG (°)/g Liquid form: 120 FBG/g	Piglets	Four months	25 FBG	40 FBG	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 25 FBG. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 50 % corn or barley.	30. 9. 1999
5	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10 287) having a minimum activity of: Coated form: 1 000 FXU (°)/g Liquid form: 650 FXU/ml	Chickens for fattening	—	80 FXU	200 FXU	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 150 FXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
6	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,4-beta-glucanase EC 3.2.1.4	Preparation of endo-1,4-beta-xylanase and endo-1,4-beta-glucanase produced by <i>Humicola insolens</i> (DSM 10 442) having a minimum activity of: Coated form: 800 FXU (°)/g 75 FBG (°)/g Microgranulated form: 800 FXU/g 75 FBG/g Liquid form: 550 FXU/ml 50 FBG/ml	Turkeys for fattening	—	225 FXU	600 FXU	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 225-600 FXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999
			Piglets	Four months	200 FXU	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 200 FXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999
			Chickens for fattening	—	200 FXU 19 FBG	1 000 FXU 94 FBG	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 400 FXU 38 FBG. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 30 % barley and/or oats, wheat.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff				
			Piglets	Four months	240 FXU 22 FBG	1 000 FXU 94 FBG		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 400 FXU 38 FBG. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 30 % barley and/or oats, wheat.	30. 9. 1999
7	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,4-beta-glucanase EC 3.2.1.4	Preparation of endo-1,4-beta-xylanase and endo-1,4-beta-glucanase produced by <i>Aspergillus niger</i> (CBS 600.94) having a minimum activity of: Solid and liquid forms: 12 000 FXU (°)/g 5 000 BGU (°)/g	Chickens for fattening	—	3 600 FXU 1 500 BGU	12 000 FXU 5 000 BGU		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 3 600-6 000 FXU 1 500-2 500 BGU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 40 % wheat, rye, triticale.	30. 9. 1999
8	Endo-1,4-beta-glucanase EC 3.2.1.4 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (CBS 600.94) having a minimum activity of: Solid and liquid forms: 10 000 BGU (°)/g 4 000 FXU (°)/g	Chickens for fattening	—	3 000 BGU 1 200 FXU	10 000 BGU 4 000 FXU		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 3 000-10 000 BGU 1 200-4 000 FXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans), e.g. containing more than 30 % barley.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingsuff			
9	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (CBS 270.95) having a minimum activity of: Solid form: 28 000 EXU (¹¹)/g Liquid form: 14 000 EXU/ml	Chickens for fattening	—	1 400 EXU	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsuff: 1 400 EXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999
10	Alpha-amylase EC 3.2.1.1	Preparation of alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (CBS 360.94) having a minimum activity of: Solid form: 45 000 RAU (¹²)/g Liquid form: 20 000 RAU/ml	Piglets	Four months	1 800 RAU	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsuff: 1 800 RAU. 3. For use, exclusively, in compound feed destined for liquid feeding systems, and containing starch-rich feed materials (e.g. containing more than 35 % wheat).	30. 9. 1999
			Pigs for fattening	—	1 800 RAU	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsuff: 1 800 RAU. 3. For use, exclusively, in compound feed destined for liquid feeding systems, and containing starch-rich feed materials (e.g. containing more than 35 % wheat).	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
			Sows	—	1 800 RAU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 1 800 RAU. 3. For use, exclusively, in compound feed destined for liquid feeding systems, and containing starch-rich feed materials (e.g. containing more than 35 % wheat).	30. 9. 1999
11	Endo-1,4-beta-glucanase EC 3.2.1.4 Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-glucanase, endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 74 252) having a minimum activity of: Endo-1,4-beta-glucanase: 8 000 U/ml ⁽¹³⁾ Endo-1,3(4)-beta-glucanase: 18 000 U/ml ⁽¹⁴⁾ Endo-1,4-beta-xylanase: 26 000 U/ml ⁽¹⁵⁾	Chickens for fattening	—	Endo-1,4-beta-glucanase: 400 U Endo-1,3(4)-beta-glucanase: 900 U Endo-1,4-beta-xylanase: 1 300 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: endo-1,4-beta-glucanase: 400-1 600 U endo-1,3(4)-beta-glucanase: 900-3 600 U endo-1,4-beta-xylanase: 1 300-5 200 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 30 % wheat or barley and 10 % rye.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
12	Endo-1,4-beta-glucanase EC 3.2.1.4	Preparation of endo-1,4-beta-glucanase, endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Trichoderma viride</i> (FERM BP-4447) having a minimum activity of: Endo-1,4-beta-glucanase: 8 000 U/g ⁽¹⁶⁾ Endo-1,3(4)-beta-glucanase: 18 000 U/g ⁽¹⁷⁾ Endo-1,4-beta-xylanase: 26 000 U/g ⁽¹⁸⁾	Chickens for fattening	—	Endo-1,4-beta-glucanase: 200 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: endo-1,4-beta-glucanase: 800-1 200 U/g endo-1,3(4)-beta-glucanase: 1 800-2 700 U/g endo-1,4-beta-xylanase: 2 600-3 900 U/g. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % wheat and 20 % barley, and/or 25 % rye.	30. 9. 1999
	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8				Endo-1,3(4)-beta-glucanase: 450 U Endo-1,4-beta-xylanase: 650 U			
			Laying hens	—	Endo-1,4-beta-glucanase: 640 U Endo-1,3(4)-beta-glucanase: 1 440 U Endo-1,4-beta-xylanase: 2 080 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: endo-1,4-beta-glucanase: 640-1 280 U endo-1,3(4)-beta-glucanase: 1 440-2 880 U endo-1,4-beta-xylanase: 2 080-4 160 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % wheat and 20 % barley and/or 25 % rye.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
			Turkeys for fattening	—	Endo-1,4-beta-glucanase: 1 200 U Endo-1,3(4)-beta-glucanase: 2 700 U Endo-1,4-beta-xylanase: 3 900 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: endo-1,4-beta-glucanase: 1 200 U endo-1,3(4)-beta-glucanase: 2 700 U endo-1,4-beta-xylanase: 3 900 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % wheat and 20 % barley and/or 20 % rye.	30. 9. 1999
13	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (CBS 357 94) having a minimum activity of: Powder form: 8 000 BGU/g ⁽¹⁹⁾ 11 000 EXU/g ⁽²⁰⁾ Granulated form: 6 000 BGU/g 8 250 EXU/g Liquid form: 2 000 BGU/ml 2 750 EXU/ml	Chickens for fattening	—	100 BGU 130 EXU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 100 BGU 130 EXU. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans), e.g. containing more than 30 % wheat and 30 % barley, or 20 % rye.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedstuff			
14	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (CBS 520.94) having a minimum activity of: Solid form: 600 U/g ⁽²¹⁾ Liquid form: 300 U/ml	Chickens for fattening	—	300 U	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram complete feedstuff: 300-600 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999
15	Endo-1,3(4)-beta- glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta- glucanase produced by <i>Trichoderma</i> <i>viride</i> (CBS 517.94) having a minimum activity of: Solid form: 650 Ug ⁽²²⁾ Liquid form: 325 U/ml	Chickens for fattening	—	325 U	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedstuff: 325-650 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 50 % barley.	30. 9. 1999
16	Endo-1,4-beta-glucanase EC 3.2.1.4	Preparation of endo-1,4-beta-glucanase produced by <i>Trichoderma longibrachi- atum</i> (IMI SD 142) having a minimum activity of: Solid form: 1 000 CU/g ⁽²³⁾ Liquid form: 2 000 CU/ml	Chickens for fattening	—	250 CU	—	1. In the directions for use of the ad- ditive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedstuff: 500-1 000 CU. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 40 % barley.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
			Laying hens	—	250 CU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500-1 000 CU. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 40 % barley.	30. 9. 1999
			Piglets	Four months	250 CU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500-1 000 CU. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 40 % barley.	30. 9. 1999
			Pigs for fattening	—	250 CU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500-1 000 CU. 3. For use in compound feed rich in non starch polysaccharides (mainly beta-glucans), e.g. containing more than 40 % barley.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingsuff				
17	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD 135) having a minimum activity of: Solid form: 3 000 EPU/g (24) Liquid form: 6 000 EPU/ml	Chickens for fattening	—	750 EPU	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting: 2. Recommended dose per kilogram of complete feedingsuff: 1 500-3 000 EPU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or maize.	30. 9. 1999
			Laying hens	—	750 EPU	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsuff: 1 500-3 000 EPU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or maize.	30. 9. 1999
			Piglets	Four months	750 EPU	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsuff: 1 500-3 000 EPU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or maize.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingsstuff				
			Pigs for fattening	—	750 EPU	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting 2. Recommended dose per kilogram of complete feedingsstuff: 1 500-3 000 EPU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or maize.	30. 9. 1999
18	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Aspergillus niger</i> (MUC 39199) having a minimum activity of: Solid form: 2 000 AGL/g ⁽²⁵⁾ Liquid form: 500 AGL/ml	Chickens for fattening	—	100 AGL	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsstuff: 100 AGL 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 40 % barley and 20 % wheat.	30. 9. 1999
19	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Aspergillus niger</i> (MUC 39199) having a minimum activity of: Solid form: 1 500 AGL/g ⁽²⁶⁾ Liquid form: 200 AGL/g	Chickens for fattening	—	25 AGL	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingsstuff: 25-100 AGL. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 50 % barley.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
20	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (MUC 39203) having a minimum activity of: Solid form: 2 000 AXC/g ⁽²⁷⁾ Liquid form: 500 AXC/ml	Chickens for fattening	—	100 AXC	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 100 AXC 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or rye.	30. 9. 1999
21	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (MUC 39203) having a minimum activity of: Solid form: 1 500 AXC/g ⁽²⁸⁾ Liquid form: 200 AXC/g	Chickens for fattening	—	25 AXC	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 25-100 AXC. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 50 % wheat.	30. 9. 1999
22	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (CNCM MA 6-10 W) having a minimum activity of: Solid form: 70 000 BGN/g ⁽²⁹⁾ Liquid form: 14 000 BGN/ml	Chickens for fattening	—	1 050 BGN	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 2 800 BGN. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans), e.g. containing more than 50 % barley.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedstuff			
23	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (CNCM MA 6-10 W) having a minimum activity of: Solid form: 70 000 IFP/g ⁽³⁰⁾ Liquid form: 7 000 IFP/ml	Chickens for fattening	—	1 050 IFP	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedstuff: 1 400 IFP. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 56 % wheat.	30. 9. 1999
24	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase produced by <i>Aspergillus niger</i> (CNCM I-1517) having a minimum activity of: 28 000 QXU/g ⁽³¹⁾ 140 000 QGU/g ⁽³²⁾	Chickens for fattening	—	420 QXU 2 100 QGU	1 120 QXU 5 600 QGU	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedstuff: 560 QXU 2 800 QGU. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 30 % wheat and 30 % barley.	30. 9. 1999
25	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,3(4)-beta-glucanase and endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (NRRL 25541) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 1 100 U/g ⁽³³⁾ Endo-1,4-beta-xylanase: 1 600 U/g ⁽³⁴⁾	Chickens for fattening	—	Endo-1,3(4)-beta-glucanase: 138 U Endo-1,4-beta-xylanase: 200 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended does per kilogram of complete feedstuff: endo-1,3(4)-beta-glucanase: 138 U endo-1,4-beta-xylanase: 200 U 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans), e.g. containing more than 50 % barley or 30 % wheat and 30 % corn.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					Units of activity per kilogram of complete feedingstuff			
			Laying hens	—	Endo-1,3(4)-beta-glucanase: 138 U Endo-1,4-beta-xylanase: 200 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuffs: endo-1,3(4)-beta-glucanase: 138 U endo-1,4-beta-xylanase: 200 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 50 % barley or 30 % wheat and 30 % corn.	30. 9. 1999

(¹) One FYT is the amount of enzyme which liberates one micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C.

(²) One GALU is the amount of enzyme which hydrolyses one micromole of p-nitrophenyl-alpha-galactopyranoside per minute at pH 5,0 and 30 °C.

(³) One FBG is the amount of enzyme which liberates one micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,5 and 37 °C.

(⁴) One FXU is the amount of enzyme which liberates 7,8 micromoles of reducing sugars (xylose equivalents) from azo-wheat arabinoxylan per minute at pH 6,0 and 50 °C.

(⁵) One FXU is the amount of enzyme which liberates 3,1 micromoles of reducing sugars (xylose equivalents) from azo-wheat arabinoxylan per minute at pH 6,0 and 50 °C.

(⁶) One FBG is the amount of enzyme which liberates one micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 6,0 and 50 °C.

(⁷) One FXU is the amount of enzyme which liberates 0,15 micromoles of xylose from azurine-cross-linked xylan per minute at pH 5,0 and 40 °C.

(⁸) One BGU is the amount of enzyme which liberates 0,15 micromoles of glucose from azurine-cross-linked beta-glucan per minute at pH 5,0 and 40 °C.

(⁹) One BGU is the amount of enzyme which liberates 0,15 micromoles of glucose from azurine-cross-linked beta-glucan per minute at pH 5,0 and 40 °C.

(¹⁰) One FXU is the amount of enzyme which liberates 0,15 micromoles of xylose from azurine-cross-linked xylan per minute at pH 5,0 and 40 °C.

(¹¹) One EXU is the amount of enzyme which liberates one micromole of reducing sugars (xylose equivalents) from arabinoxylan per minute at pH 3,5 and 55 °C.

(¹²) One RAU is the amount of enzyme which converts 1 mg of soluble starch into a product having an equal absorption to a reference colour at 620 nm after reaction with iodine, per minute at pH 6,6 and 30 °C.

(¹³) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from carboxymethylcellulose per minute at pH 5,0 and 40 °C.

(¹⁴) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from barley beta-glucan per minute at pH 5,0 and 40 °C.

(¹⁵) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from oat spelt xylan per minute at pH 5,0 and 40 °C.

(¹⁶) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from carboxymethylcellulose per minute at pH 5,0 and 40 °C.

(¹⁷) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from barley beta-glucan per minute at pH 5,0 and 40 °C.

(¹⁸) One U is the amount of enzyme which liberates 0,1 micromoles of glucose from oat spelt xylan per minute at pH 5,0 and 40 °C.

(¹⁹) One BGU is the amount of enzyme which liberates 0,278 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 3,5 and 40 °C.

(²⁰) One EXU is the amount of enzyme which liberates one micromole of reducing sugars (xylose equivalents) from wheat arabinoxylan per minute at pH 3,5 and 55 °C.

(²¹) One U is the amount of enzyme which liberates one micromole of xylose from birchwood xylan per minute at pH 5,3 and 50 °C.

(²²) One U is the amount of enzyme which liberates one micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

(²³) One CU is the amount of enzyme which liberates 0,128 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,5 and 30 °C.

(²⁴) One EPU is the amount of enzyme which liberates 0,0083 micromoles of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 4,7 and 30 °C.

(²⁵) One AGL is the amount of enzyme which liberates 5,55 micromoles of reducing sugars (maltose equivalents) from barley beta-glucan per minute at pH 4,6 and 30 °C.

(²⁶) One AGL is the amount of enzyme which liberates 5,55 micromoles of reducing sugars (maltose equivalents) from barley beta-glucan per minute at pH 4,6 and 30 °C.

(²⁷) One AXC is the amount of enzyme which liberates 17,2 micromoles of reducing sugars (maltose equivalents) from oat xylan per minute at pH 4,7 and 30 °C.

(²⁸) One AXC is the amount of enzyme which liberates 17,2 micromoles of reducing sugars (maltose equivalents) from oat xylan per minute at pH 4,7 and 30 °C.

(²⁹) One BGN is the amount of enzyme which liberates one micromole of reducing sugar (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.

- ⁽³⁰⁾ One IFP is the amount of enzyme which liberates one micromole of reducing sugars (xylose equivalents) from oat xylan per minute at pH 4,8 and 50 °C.
- ⁽³¹⁾ One QXU is the amount of enzyme which liberates one micromole of reducing sugars (xylose equivalents) from oat xylan per minute at pH 5,1 and 50 °C.
- ⁽³²⁾ One QGU is the amount of enzyme which liberates one micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.
- ⁽³³⁾ One U is the amount of enzyme which liberates one micromole of reducing sugars (glucose equivalents) from oat beta-glucan per minute at pH 4,0 and 30 °C.
- ⁽³⁴⁾ One U is the amount of enzyme which liberates one micromole of reducing sugars (xylose equivalents) from oat xylan per minute at pH 4,0 and 30 °C.

ANNEX II

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation	
					CFU/kg of complete feedingstuff					
3	<i>Saccharomyces cerevisiae</i> NCYC Sc 47	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum 5×10^9 CFU/g additive	Rabbits for fattening	—	$2,5 \times 10^9$	5×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. May be used in compound feed con- taining the permitted coccidiostat: meticlorpindol.	30. 9. 1999		
			Sows	—	5×10^9	$2,5 \times 10^{10}$			In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999
			Piglets	Four months	5×10^9	1×10^{10}				
4	<i>Bacillus cereus</i> , ATCC 14 893, CIP 5832	Preparation of <i>Bacillus cereus</i> , ATCC 14 893, CIP 5832 containing a minimum 10^{10} CFU/g additive	Piglets	Four months	5×10^8	1×10^{10}	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999		
			Pigs for fattening	—	2×10^8	1×10^9			In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999
			Sows	15 days before farrowing and during lacta- tion	$8,5 \times 10^8$	$1,2 \times 10^9$				

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					CFU/kg of complete feedingstuff			
			Calves	16 weeks	1×10^9	$1,2 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999
			Chickens for fattening	—	2×10^8	1×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: Amprolium, Halofuginone, Lasalocid sodium, Maduramicin ammonium, Monensin sodium, Narasin, Salinomycin sodium, Meticlorpindol, Diclazuril.	30. 9. 1999
			Turkeys for fattening	26 weeks	2×10^8	1×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: Amprolium, Halofuginone, Meticlorpindol/Methylbenzoquate, Diclazuril, Nifursol.	30. 9. 1999
5	<i>Saccharomyces cerevisiae</i> CBS 493.94	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: 1×10^8 CFU/g additive	Calves	Six months	2×10^8	2×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999
6	<i>Saccharomyces cerevisiae</i> CNCM I-1079	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: 2×10^{10} CFU/g additive	Sows	—	2×10^9	1×10^{10}	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999
			Piglets	Four months	6×10^9	3×10^{10}	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	30. 9. 1999

Number	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorisation
					CFU/kg of complete feedingstuff			
7	<i>Saccharomyces cerevisiae</i> CNCM I-1077	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: 2×10^{10} CFU/g additive	Dairy cows	—	$5,5 \times 10^8$	$2,1 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelletting. The quantity of <i>Saccharomyces cere- visiae</i> in the daily ration must not exceed $8,4 \times 10^9$ CFU for 100 kg body weight. Add $1,8 \times 10^9$ CFU for each additional 100 kg body weight.	30. 9. 1999
					1×10^9	$1,5 \times 10^9$		
8	<i>Enterococcus faecium</i> ATCC 53519 <i>Enterococcus faecium</i> ATCC 55593 (In a 1/1 ratio)	Mixture of: encapsulated <i>Enterococcus faecium</i> ATCC 53519 and encapsulated <i>Enterococcus faecium</i> ATCC 55593 containing a minimum of 2×10^8 CFU/g of the additive (i.e. a minimum of 1×10^8 CFU/g of each bacterium)	Chickens for fattening	—	1×10^8	1×10^8	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelletting. May be used in compound feed con- taining the permitted coccidiostats: Amprolium, Decoquinat, Halofugi- none, Lasalocid sodium, Maduramicin ammonium, Monensin sodium, Narasin, Nicarbazin, Narasin/ Nicarbazin, Salinomycin sodium.	30. 9. 1999

COMMISSION REGULATION (EC) No 1437/98
of 6 July 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 Commis-

sion 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 7 July 1998.

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

Done at Brussels, 6 July 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 6 July 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	79,8
	999	79,8
0709 90 70	052	55,8
	999	55,8
0805 30 10	382	61,1
	388	65,4
	524	54,5
	528	53,7
	999	58,7
0808 10 20, 0808 10 50, 0808 10 90	388	83,2
	400	59,3
	404	90,5
	508	91,8
	512	62,8
	524	49,4
	528	74,2
	804	105,5
	999	77,1
	388	126,1
0808 20 50	400	66,8
	512	87,0
	528	93,0
	999	93,2
	052	258,7
0809 10 00	064	152,3
	999	205,5
	052	317,7
0809 20 95	060	181,6
	064	222,6
	068	158,8
	400	295,5
	616	211,1
	999	231,2
	052	151,9
0809 30 10, 0809 30 90	999	151,9
	624	272,0
0809 40 05	999	272,0

⁽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 1438/98**of 6 July 1998****determining the extent to which applications in the beef and veal sector for import rights lodged pursuant to Regulation (EC) No 1142/98 may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1142/98 of 2 June 1998 opening and providing for the administration of a tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (from 1 July 1998 to 30 June 1999)⁽¹⁾, and in particular Article 5 thereof,

Whereas Regulation (EC) No 1142/98 provides in particular for the quantities reserved for traditional importers to be allocated in proportion to their imports during the period 16 February 1995 to 31 March 1998; whereas in the other cases the quantities applied for exceed the quantities available under Article 2 (2) of that Regulation; whereas, therefore, the quantities applied for should be reduced on a proportional basis in accordance with Article 5 (2) of Regulation (EC) No 1142/98,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1142/98 shall be granted to the following extent:

- (a) 243,004 kg per tonne imported during the period 16 February 1995 to 31 March 1998 for importers as defined in Article 2 (1) (a) of Regulation (EC) No 1142/98;
- (b) 7,631 tonnes per application in the case of operators as defined in Article 2 (2) of Regulation (EC) No 1142/98.

Article 2

This Regulation shall enter into force on 7 July 1998.

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

Done at Brussels, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 159, 3. 6. 1998, p. 11.

COMMISSION REGULATION (EC) No 1439/98**of 6 July 1998****specifying the extent to which applications lodged in June 1998 for import rights
in respect of young male bovine animals for fattening may be accepted**

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

Having regard to Commission Regulation (EC) No 1043/
98 of 19 May 1998 opening and providing for the admin-
istration of an import tariff quota for young male bovine
animals for fattening (1 July 1998 to 30 June 1999)⁽¹⁾,
and in particular Article 4 (4) thereof,

Whereas Article 1 (1) of Regulation (EC) No 1043/98 lays
down the number of young male bovine animals which
may be imported on special terms during the period from
1 July 1998 to 30 June 1999; whereas the quantities
applied for exceed the quantities available under Article
2(1)(c) of that Regulation; whereas, therefore, the quan-
tities applied for should be reduced on a proportional basis

in accordance with Article 4(4) of Regulation (EC) No
1043/98,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import rights made in Member States
other than Italy and Greece pursuant to Article 2(3) of
Regulation (EC) No 1043/98 are hereby met to the extent
of 0,3497 % of the quantity requested.

Article 2

This Regulation shall enter into force on 7 July 1998.

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

Done at Brussels, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 149, 20. 5. 1998, p. 7.

COMMISSION REGULATION (EC) No 1440/98
of 3 July 1998
concerning the stopping of fishing for blue whiting by vessels flying the flag of a
Member State

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 783/98 ⁽⁴⁾, provides for blue whiting shares of total allowable available to the Community for 1998;

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

Whereas, according to the information communicated to the Commission, catches of blue whiting in the waters of ICES division V b (EC zone), VI and VII by vessels flying

the flag of a Member State or registered in a Member State have reached the share of the total allowable catches available to the Community for 1998,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of blue whiting in the waters of ICES divisions V b (EC zone), VI and VII by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the share of the total allowable catches available to the Community for 1998.

Fishing for blue whiting in the waters of ICES divisions V b (EC zone), VI and VII by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 3 July 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 8.

COMMISSION REGULATION (EC) No 1441/98**of 3 July 1998****amending Regulation (EC) No 1234/98 concerning the stopping of fishing for blue whiting by vessels flying the flag of a Member State except Spain and Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 1234/98 ⁽³⁾ stops fishing for blue whiting by vessels flying the flag of a Member State except Spain and Portugal;

Whereas on 27 March 1998 Spain transferred to Germany 3 000 tonnes of blue whiting in the waters of ICES divisions V b (EC zone), VI and VII; whereas fishing for blue whiting in the waters of ICES divisions V b (EC zone), VI and VII by vessels flying the flag of Germany or registered in Germany must therefore be authorised;

Whereas the present state of uptake of the blue whiting quota allocated to Spain in the waters of ICES divisions

V b (EC zone), VI and VII means that the quota transfer in question may be made;

Whereas Regulation (EC) No 1234/98 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1234/98 is hereby amended as follows:

1. in the title, after 'Portugal', 'and Germany' is added;
2. in the second paragraph of Article 1, after 'Portugal', and 'Germany' is inserted.

Article 2

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

It shall apply with effect from 17 June 1998.

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

Done at Brussels, 3 July 1998.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 170, 16. 6. 1998, p. 3.

COMMISSION REGULATION (EC) No 1442/98**of 6 July 1998****on the maximum amount of the Community financial contribution to be paid to the Member States concerned in accordance with Council Regulation (EC) No 723/97**

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

Having regard to Council Regulation (EC) No 723/97 of 22 April 1997 on the implementation of Member States' action programmes on control of EAGGF Guarantee Section expenditure ⁽¹⁾, and in particular Articles 1 and 4 thereof,

Having regard to Commission Regulation (EC) No 1780/97 ⁽²⁾ laying down the rules of application for Regulation (EC) No 723/97, and in particular Article 3 thereof,

Whereas Article 1 of Regulation (EC) No 723/97 provides that the Community shall contribute towards the costs incurred by Member States in implementing new action programmes, arising out of new Community obligations; whereas Article 4(2) of the same Regulation provides that the Commission shall, after consulting the Fund Committee, set the maximum annual amount of the Community financial contribution having regard to the appropriations and on the basis of the information supplied by the Member States concerned; whereas the amount in question shall be granted in accordance with

Article 3 of Regulation (EC) No 1780/97; whereas the Member States concerned have supplied the relevant information to the Commission for the year 1998;

Whereas the Fund Committee has been consulted on the amounts set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum amount of the Community financial contribution in national currencies towards the costs incurred by the Member States concerned in implementing action programmes on control of EAGGF Guarantee Section expenditure for 1998, provided for by Regulation (EC) No 723/97 is set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 108, 25. 4. 1997, p. 6.

⁽²⁾ OJ L 252, 16. 9. 1997, p. 20.

*ANNEX***Maximum amount of Community financial contribution for 1998 within the framework of
Regulation (EC) No 723/97**

Member State	Community contribution in national currency	
Belgium	BEF	20 329 594
Germany	DEM	3 061 159
Greece	GRD	426 979 666
Spain	ESP	442 328 190
France	FRF	14 308 361
Ireland	IEP	616 127
Italy	ITL	5 595 886 420
Luxembourg	LUF	3 375 000
Netherlands	NLG	1 311 156
United Kingdom	GBP	1 021 615
Austria	ATS	8 802 000
Finland	FIM	977 500
Sweden	SEK	825 000

COMMISSION REGULATION (EC) No 1443/98
of 6 July 1998
establishing the supply balance for the Canary Islands in the rice products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas the common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands are laid down in Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 825/98 ⁽⁴⁾;

Whereas in order to apply Article 2 of Regulation (EEC) No 1601/92 the forecast supply balance for the Canary Islands should be established for rice-sector products; whereas that balance must be established on the basis of the requirements of that region;

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

In application of Article 2 of Regulation (EEC) No 1601/92, the forecast supply balance quantities in the rice sector benefiting from the exemption from import duty or from Community aid for products coming from the rest of the Community shall be as set out in the Annex hereto.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ L 117, 21. 4. 1998, p. 5.

ANNEX

Supply balance for rice for the Canary Islands for the marketing period 1 July 1998 to
30 June 1999

(tonnes)

Product (CN code)		Canary Islands
Milled rice	1006 30	13 000
Broken rice	1006 40	2 600

COMMISSION REGULATION (EC) No 1444/98**of 6 July 1998****fixing the minimum selling prices for beef put up for sale under the invitation to tender referred to in Regulation (EC) No 1270/98**

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 ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1270/98 ⁽³⁾;

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 1270/98 for which the time limit for the submission of tenders was 23 June 1998 are as set out in 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, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 175, 19. 6. 1998, p. 24.

⁽⁴⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ L 248, 14. 10. 1995, p. 39.

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

Estado miembro	Productos	Precio mínimo expresado en ecus por tonelada
Medlemsstat	Produkter	Mindestpreise i ECU/ton
Mitgliedstaat	Erzeugnisse	Mindestpreise, ausgedrückt in ECU/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε Ecu ανά τόνο
Member State	Products	Minimum prices expressed in ECU per tonne
État membre	Produits	Prix minimaux exprimés en écus par tonne
Stato membro	Prodotti	Prezzi minimi espressi in ecu per tonnellata
Lidstaat	Producten	Minimumprijzen uitgedrukt in ECU per ton
Estado-membro	Produtos	Preço mínimo expresso em ecus por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat ecuina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i ecu per ton

**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**

DANMARK	— Bagfjerdinger	600
ÖSTERREICH	— Vorderviertel	500
	— Hinterviertel	600
ESPAÑA	— Cuartos delanteros	512
	— Cuartos traseros	830

COMMISSION REGULATION (EC) No 1445/98

of 6 July 1998

opening an invitation to tender for the reduction in the duty on maize imported
into Spain from third countries

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 12(1) thereof,

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain;

Whereas Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal⁽³⁾, as amended by Regulation (EC) No 1963/95⁽⁴⁾, lays down the rules governing the administration of those special arrangements; whereas this Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market;

Whereas in the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports;

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

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.
2. The invitation to tender shall be open until 6 August 1998. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 3

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, 6 July 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 177, 28. 7. 1995, p. 4.

⁽⁴⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 1446/98
of 6 July 1998
on issuing A2 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 2200/96 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1287/98⁽²⁾, and in particular Article 3(4) thereof,

Whereas Commission Regulation (EC) No 1276/98⁽³⁾, as amended by Regulation (EC) No 1302/98⁽⁴⁾, sets the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid;

Whereas, for tomatoes, oranges, lemons, table grapes and peaches and nectarines in view of the economic situation in the various destination groups indicated in the Annex to Regulation (EC) No 1276/98 and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates; whereas the percentages for the issuing of licences for the quantities applied for should also be set; whereas the definitive rates may not be more than double the indicative rates;

Whereas, pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the corresponding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

Article 1

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 1276/98, the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 7 July 1998.

2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.

3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

Article 2

This Regulation shall enter into force on 7 July 1998.

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

Done at Brussels, 6 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 176, 20. 6. 1998, p. 6.

⁽⁴⁾ OJ L 180, 24. 6. 1998, p. 12.

ANNEX

Product	Destination or group of destinations ⁽¹⁾	Definitive refund rates (ECU/tonne net)	Percentages for the issuing of licences
Tomatoes	F	18	88 %
Oranges	XYC	30	100 %
Lemons	F	10	82 %
Table grapes	F	20	87 %
Apples	X	23	100 %
	Y	6	100 %
Peaches and nectarines	E	35	100 %

⁽¹⁾ The destination codes are defined as follows:

X: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

Y: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

C: Switzerland, Czech Republic, Slovakia.

E: All destinations except Switzerland.

F: All destinations.

COMMISSION DIRECTIVE 98/47/EC**of 25 June 1998****including an active substance (azoxystrobin) in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, as last amended by Commission Directive 97/73/EC⁽²⁾, hereafter referred to as 'the Directive', and in particular Article 6(3) thereof,

Whereas in accordance with Article 6(2) of Directive 91/414/EEC, Germany received on 15 September 1995 an application from Zeneca Agrochemicals, hereafter referred to as 'the applicant', for the inclusion of the active substance azoxystrobin in Annex I to the Directive;

Whereas in accordance with the provisions of Article 6(3) of the Directive the Commission confirmed in its Decision 96/523/EC⁽³⁾ that the dossier submitted for azoxystrobin could be considered as satisfying, in principle, the data and information requirements of Annex II and for a plant protection product containing this active substance, of Annex III to the Directive;

Whereas, in accordance with Article 5(1) of the Directive, an active substance should be included for a period not exceeding 10 years in Annex I when it may be expected that there will not be any harmful effects on human or animal health or on groundwater or any unacceptable influence on the environment;

Whereas for azoxystrobin, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of the Directive, for the uses proposed by the applicant; whereas Germany acting as nominated rapporteur Member State, has submitted to the Commission on 5 February 1997 the assessment report concerned;

Whereas the submitted report has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health; whereas this review has been finalised on 22 April 1998 in the format of the Commission review report for azoxystrobin; whereas it may be necessary to update this report to take account of technical and scientific developments; whereas in such case

the conditions for the inclusion of azoxystrobin in Annex I to Directive 91/414/EEC will also need to be amended pursuant to Article 6(1) of that Directive;

Whereas the dossier and the information from the review have also been submitted to the Scientific Committee for Plants for consultation;

Whereas it has appeared from the assessments made that plant protection products containing the active substance concerned may be expected to satisfy in general the requirements laid down in Article 5(1)(a), (b) and (3) of the Directive, in particular with regard to the uses which were examined; whereas therefore it is necessary to include the active substance concerned in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing the active substance concerned can be granted in accordance with the provisions of the Directive;

Whereas after inclusion a reasonable period is necessary to permit Member States to implement the provisions of Directive 91/414/EEC on plant protection products containing azoxystrobin and in particular to review, within this period, existing provisional authorisations or to grant, by the end of this period at the latest, new authorisations in accordance with the provisions of the Directive; whereas a longer period may also be required for plant protection products containing azoxystrobin and other active substances included in Annex I;

Whereas it is appropriate to provide that the finalised review report (except for confidential information in the meaning of Article 14 of the Directive) is kept available or made available by the Member States for consultation by any interested parties;

Whereas the review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Annex VI to the Directive, where these principles refer to the evaluation of the Annex II data which were submitted for the purpose of the inclusion of the active substance in Annex I to the Directive;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ L 353, 24. 12. 1997, p. 26.

⁽³⁾ OJ L 220, 30. 8. 1996, p. 25.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Azoxystrobin is hereby designated as an active substance in Annex I to Directive 91/414/EEC, as set out in the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest by 1 January 1999.

2. However for plant protection products containing azoxystrobin together with another active substance included in Annex I to Directive 91/414/EEC, the period referred to in paragraph 1 is extended to the extent that a longer implementation period is provided for by the provisions laid down in the Directive concerning the inclusion of this other active substance in Annex I to Directive 91/414/EEC.

3. Member States shall keep available the review report (except for confidential information in the meaning of Article 14 of the Directive) for consultation by any inter-

ested parties or shall make it available to them on specific request.

4. When Member States adopt the measures, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be laid down by the Member States.

Article 3

This Directive shall enter into force on 1 July 1998.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***AZOXYSTROBIN**

1. Identity
(IUPAC) Methyl (E)-2-[2[6-(2-cyanophenoxy) pyrimidin-4-yloxy]phenyl]-3-methoxyacrylate
 2. Particular conditions to be fulfilled:
 - 2.1. The active substance shall have a minimum purity of 930 g/kg (Z isomer maximum 25 g/kg)
 - 2.2. Only uses as fungicide may be authorised.
Particular attention should be given to the impact on aquatic organisms. Authorisation conditions should include appropriate risk mitigation measures.
 - 2.3. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on azoxystrobin, and in particular Appendixes I and II thereof, as finalised in the Standing Committee on Plant Health on 22 April 1998 shall be taken into account.
 3. Expiry date of the inclusion: 1 July 2008.
-

II

(Acts whose publication is not obligatory)

COUNCIL

FINANCIAL REGULATION

of 16 June 1998

applicable to development finance cooperation under the fourth ACP-EC Convention

(98/430/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, hereinafter referred to as 'the EC Treaty',

Having regard to the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, hereinafter referred to as 'the Convention', as amended by the Agreement signed in Mauritius on 4 November 1995,

Having regard to the Internal Agreement on the financing and administration of Community aid under the Fourth ACP-EEC Convention ⁽¹⁾, signed in Brussels on 20 December 1995, hereinafter referred to as 'the Internal Agreement', and in particular Article 32 thereof,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽²⁾, hereinafter referred to as 'the Decision',

Having regard to the general regulations and general conditions for works, supplies and service contracts financed by the European Development Fund ⁽³⁾ which were approved by the ACP-EEC Council of Ministers on 29 March 1990, hereinafter referred to as 'the General Regulations and Conditions of Contract',

Having regard to the proposal submitted by the Commission,

Having regard to the opinion of the European Investment Bank, hereinafter referred to as 'the Bank',

Having regard to the opinion of the Court of Auditors ⁽⁴⁾,

Whereas, pursuant to Article 1(1) of the Internal Agreement, the Member States have set up an eighth European Development Fund, hereinafter referred to as 'the EDF';

⁽¹⁾ OJ L 229, 17. 8. 1991, p. 288.

⁽²⁾ OJ L 263, 19. 9. 1991, p. 1. Decision as amended by Decision 97/803/EC (OJ L 329, 29. 11. 1997, p. 50).

⁽³⁾ OJ L 382, 31. 12. 1990, p. 3.

⁽⁴⁾ OJ C 223, 22. 7. 1997, p. 1.

Whereas, under Article 32 of the Internal Agreement, the provisions for implementing this Internal Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 21(4) of the said Agreement,

HAS ADOPTED THIS FINANCIAL REGULATION:

TITLE I

FINANCIAL ESTIMATES, RULES FOR PAYMENT OF CONTRIBUTIONS TO THE EDF BY THE MEMBER STATES AND GENERAL PRINCIPLES

Article 1

The amount of the EDF set in Article 1 of the Internal Agreement shall be allocated as indicated in Annex I. The allocation of appropriations and the rules of transfer shall be laid down by the Convention and the Internal Agreement.

Article 2

1. Annual contributions to the EDF shall be called up in four instalments payable on:

- 20 January,
- 1 April,
- 1 July,
- 1 November.

Supplementary contributions for the financial year decided on by the Council in accordance with Article 6(3) of the Internal Agreement shall, unless otherwise decided by the Council, be due and be made within as brief a period as possible which shall be laid down in the decision to call for such contributions and which may not exceed three months.

2. The Commission shall notify the Member States as soon as possible, not later than the beginning of each financial year, and on the basis of the Council decision referred to in Article 6(1) of the Internal Agreement, of the amount of the instalments of contributions to be paid on each of the due dates. The Commission shall set the amounts to be paid by each Member State so that they are in proportion to its contributions to the EDF as fixed in Article 1(2) of the Internal Agreement.

The Commission shall inform the Member States of any alteration to the amount of the calls for contributions as soon as possible before the date on which each instalment of contributions is due, on the basis of the cash situation of the EDF and its expenditure estimates for the remainder of the year.

3. Where an instalment of contributions payable under this Article is not paid within 15 days of the due date, the Member State concerned shall be required to pay interest in respect of the amount not paid on the basis of a rate of

two percentage points above the interest rate for short-term financing applicable on the date on which the instalment is due on the money market of the Member State for the ecu. This rate shall be increased by a quarter of a percentage point for each month of delay. The increased rate shall be applicable to the entire period of delay. Amounts received by the Commission in respect of such late payment interest shall be credited to the account provided for in Article 9(2) of the Internal Agreement.

Article 3

1. The financial contributions of the Member States shall be expressed in ecus.

2. Each Member State shall pay the amount of its contribution in ecus. The Member States may, however, make actual payments of their contributions in their national currencies.

3. Financial contributions shall be credited by each Member State to a special account entitled 'Commission of the European Communities — European Development Fund' opened with the bank of issue of that Member State or the financial institution designated by it. The amount of such contributions shall remain in these special accounts until required to meet payments needs provided for in Article 319 of the Convention.

4. Upon expiry of the Convention, that part of the contributions which the Member States remain obliged to make shall be called up by the Commission, as required, on the conditions laid down in this Financial Regulation.

Article 4

1. The ecu is the sum of specified amounts of the currencies of the Member States as set out in Council Regulation (EC) No 3320/94 of 22 December 1994 on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union⁽¹⁾.

Any change in the composition of the ecu decided on by the Council pursuant to the EC Treaty shall automatically apply to this provision.

⁽¹⁾ OJ L 350, 31. 12. 1994, p. 27.

2. The value of the ecu in a given currency shall be equal to the sum of the equivalents of the amounts of the currencies which make up the ecu.

It shall be determined by the Commission on the basis of the exchange rates recorded each day on the exchange markets.

The daily rates for conversion into the various national currencies shall be available each day and shall be published in the *Official Journal of the European Communities*.

3. Any operations involving conversions of the ecu into a national currency shall, in principle, be effected on the basis of the exchange rate applicable on that day; derogations from this principle may be permitted in duly justified exceptional cases, in accordance with the implementing rules of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾.

Article 5

In order to make payments provided for in Article 319(1) and (4) of the Convention, the Commission shall open accounts with financial institutions in the ACP States and the OCT, for payments in the national currencies of the ACP States or in the local currencies of the OCT, and in the Member States, for payments in ecus and other currencies. Subject to Article 319(3) of the Convention, deposits in these accounts shall bear interest. Subject to Article 192 of the Convention, such interest shall be credited to the account provided for in Article 9(2) of the Internal Agreement.

Article 6

1. The Commission shall transfer from the special accounts opened pursuant to Article 3(3) amounts needed to replenish the accounts opened in its name in accordance with Article 5. Such transfers shall be made on the basis of the cash needs of the projects and programmes.

2. The Commission shall endeavour to make any withdrawals from the special accounts referred to in Article 3(3) in such a way as to maintain a distribution of its assets in those accounts corresponding to the proportions in which the various Member States contribute to the EDF.

⁽¹⁾ OJ L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2444/97 (OJ L 340, 11. 12. 1997, p. 1).

Article 7

The signatures of the Commission officials and agents who are empowered to carry out operations on the EDF's accounts shall be lodged with the banks concerned when the accounts are opened or, in the case of officials and agents who are authorised subsequently, when they are designated. This procedure also applies to the lodging of signatures of national and regional authorising officers and their deputies for operations in paying agent accounts opened in the ACP States or the OCT and, where appropriate, in the accounts opened in the Member States.

Article 8

1. EDF resources must be used in accordance with the principles of sound financial management, and in particular those of economy and cost effectiveness. Qualitative and quantitative objectives must be identified and the progress of their realisation monitored by means of appropriate indicators.

2. To this end the use of EDF resources must be preceded by an *ex ante* evaluation of the operation to be undertaken with a view to ensuring that the expected results justify the means deployed.

3. All operations must be periodically examined and their grounds checked, particularly with a view to the estimates of calls for contributions referred to in Article 6(1) of the Internal Agreement.

Article 9

1. The financing decisions taken pursuant to Articles 25 to 27 of the Internal Agreement, with regard to aid administered by the Commission, and the financing agreements, have a time limit for starting implementation of the project. Beyond this date, the financing decision and agreement no longer apply.

2. The financing decisions referred to in paragraph 1 and the financing agreements also have a time limit for implementation of the operation. Continuation of the operation beyond this date must be justified by the third-party beneficiary and accepted by the Commission before the implementation time limit expires.

3. The termination of a project and the non-commitment of the funds committed under Article 20 shall be carried out when the legal commitment entered into by the Commission in connection with that project with respect to the beneficiary is concluded and the related payments and collections have been recorded in the accounts.

TITLE II

FINANCIAL ADMINISTRATION OF EDF-APPROPRIATIONS BY THE COMMISSION

Section I

GENERAL PROVISIONS

Article 10

Subject to Article 15(3)(c) and Article 39, the provisions of this Title are not applicable to risk capital and interest rate subsidies managed by the Bank.

Article 11

1. Appropriations shall be administered by authorising officers, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue recovery orders and payment orders.
2. Collection and payment operations shall be carried out by the accounting officer.
3. The duties of authorising officer, financial controller and accounting officer shall be mutually incompatible.

Article 12

Where revenue and expenditure operations are managed by means of integrated computer systems, the provisions of Sections II and III of this Title shall apply with due allowance for the possibilities and requirements deriving from computerised management.

To this end:

- the supporting documents may remain with the chief authorising officer or the accounting officer or their deputies for the purposes of checking,
- signatures and approvals may be added in appropriate computerised form.

The financial controller shall be consulted on the setting up of the EDF accounting system and shall have access to the data of the system.

Article 13

1. The chief authorising officer of the EDF, whose duties are laid down in Article 311 of the Convention, shall be appointed by the Commission.
2. The chief authorising officer of the EDF may delegate his powers of implementation of the EDF to authorised persons, whom he shall appoint, subject to approval by the Commission. The rules governing responsibilities adopted under this Title shall apply to such persons within the limits of the powers delegated to them. Each decision to delegate powers shall state the extent and, where appropriate, the duration of the delegation.

3. Those to whom powers are delegated may act only within the limits of the powers expressly conferred upon them. Decisions to delegate powers shall be notified to those to whom powers are delegated, to the accounting officer, the financial controller, the chief authorising officer and the Court of Auditors.

Article 14

1. The financial controller of the EDF shall be the financial controller of the Commission. He shall be responsible for monitoring the commitment and authorisation of expenditure and for monitoring the recording and collection of revenue and debts. The financial controller may be assisted in his duties by one or more assistant financial controllers.
2. Monitoring shall be carried out by the financial controller by means of inspection of the files and, if necessary, on the spot. In this connection he shall have access to files and to the original supporting documents relating to commitments, expenditure and revenue and, where appropriate, to files relating to appropriations and assigned funds. Any document or information drawn up or kept on a magnetic medium which the financial controller deems necessary for the performance of his work shall be sent to him at his request.
3. The special rules applicable to the financial controller are those laid down in the Financial Regulation applicable to the general budget of the European Communities.

Article 15

1. The accounting officer shall be appointed by the Commission. He may be assisted in his duties by one or more assistant accounting officers appointed, on the basis of a reasoned opinion by the accounting officer, under the same conditions as the accounting officer.
2. The accounting officer shall be responsible for the collection of revenue and the payment of expenditure, the recovery of debts and the management of the cash flow. Subject to Article 36, the accounting officer alone shall be empowered to manage funds and assets. He shall be responsible for their care.
3. The accounting officer shall be responsible for maintaining the accounts for:
 - (a) the appropriations referred to in Article 1;
 - (b) the commitments referred to in Article 20;
 - (c) the risk capital decisions and interest-rate subsidies referred to in Article 39;
 - (d) payments, revenue and debts.
4. The accounting officer shall be responsible for the preparation of the financial statements referred to in Article 66(2) of this Financial Regulation.

Article 16

The Court of Auditors shall be notified of the appointment of the chief authorising officer, the accounting officer, the assistant accounting officer and the administrator of advance funds referred to in Article 36 and of the accounting plan referred to in Article 40. The Commission shall forward to the Court any rules of procedure drawn up by it in respect of financial matters.

Section II

REVENUE AND DEBTS

Article 17

1. EDF revenue consists of payments made by the Member States in accordance with the Internal Agreement, the income generated by deposits and any other sum whose acceptance is established by the Council.

2. The accounting officer shall be responsible for the monitoring and entry in the accounts of payments by the Member States and other revenue.

3. For all other revenue, the accounting officer shall draw up a revenue order which is sent to the financial controller for prior approval. The purpose of the approval of the financial controller shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the order is in order and conforms to the relevant provisions;
- (c) the supporting documents are in order;
- (d) the order conforms to the principles of sound financial management;
- (e) the amount and currency of the revenue are correct.

Entry in the accounts of revenue becomes final after the approval of the financial controller.

Article 18

1. All measures or situations which may give rise to or modify a debt due to the EDF and are brought to the attention of the Commission by the national authorising officer must be preceded by a debt estimate from the chief authorising officer. Such estimates shall be sent to the financial controller for his approval and to the accounting officer for provisional recording in the accounts. They shall mention, in particular, the type of debt, the estimated amount thereof and the budget item to which it is to be booked and also the name and description of the debtor. The purpose of the approval of the financial controller shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the debt estimate is in order and conforms to the relevant provisions relating to the management of the EDF and all acts made in implementation thereof and to the principles of sound financial management referred to in Article 8.

The financial controller may withhold his approval if he considers that the conditions laid down in paragraph 1(a) and (b) above have not been met.

The Commission may, by a decision stating the full reasons therefor, and on its sole responsibility, overrule this refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

2. Without prejudice to Article 12, the chief authorising officer shall draw up, in respect of every established, liquid and payable debt due to the EDF in the context of the implementation of EDF appropriations, a recovery order which shall be sent with supporting documents to the financial controller for his prior approval. Such recovery orders shall, after they have received the approval of the financial controller, be recorded in the accounts by the accounting officer.

The purpose of the approval shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the order is in order and conforms to the relevant provisions;
- (c) the supporting documents are in order;
- (d) the debtor is correctly described;
- (e) the due date is indicated;
- (f) the order conforms to the principle of sound financial management referred to in Article 8;
- (g) the amount and currency of the sum to be recovered are correct.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

3. If the chief authorising officer waives the right to recover a debt as referred to in paragraph 1, he shall send beforehand a proposal for cancellation to the financial controller for his approval and to the accounting officer for his information. The purpose of approval by the financial controller shall be to establish that the waiver is in order and conforms with the principles of sound financial management. The proposal concerned shall be registered by the accounting officer.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

4. Where the financial controller finds that a recovery order has not been drawn up or that a sum due has not been recovered, he shall inform the Commission thereof.

Article 19

1. The accounting officer shall assume responsibility for recovery orders that have been duly drawn up.
2. The accounting officer shall do all in his power to ensure that the debts referred to in Article 18 are recovered at the due dates indicated in the recovery orders and shall ensure that the relevant rights of the Community are safeguarded.
3. The accounting officer shall inform the chief authorising officer and the financial controller of any debts not recovered within the time limits laid down.
4. If necessary, he shall initiate the recovery procedure.

Section III

**COMMITMENT, VALIDATION, AUTHORISATION
AND PAYMENT OF EXPENDITURE****1. Commitment of expenditure***Article 20*

1. All measures which may give rise to expenditure payable by the EDF must be preceded by a proposal for commitment of expenditure from the chief authorising officer and can create legal obligations *vis-à-vis* third parties only after approval by the financial controller of the proposal for commitment and after a Commission financing decision.
2. Financing decisions taken by the Commission in accordance with Articles 25 to 27 of the Internal Agreement and the provisions authorising it to grant financial aid from the EDF shall give rise to commitments of expenditure.

Article 21

1. Without prejudice to Article 12, proposals for commitments, accompanied by the supporting documents, shall be transmitted to the financial controller. They shall show in particular the purpose of the expenditure, the estimated amount involved, the item to which it is to be charged and the name and description of the recipient of the financing.
2. Proposals for commitments shall be subject to endorsement by the accounting officer after approval by the financial controller and a Commission financing decision.

Article 22

1. The purpose of approval of proposals for commitment by the financial controller shall be to establish that:

- (a) the proposal conforms to Article 20(1);
 - (b) the expenditure has been charged to the correct item;
 - (c) appropriations are available;
 - (d) the financing proposal is correct and in conformity with the provisions applicable to the EDF;
 - (e) the principles of sound financial management referred to in Article 8 have been applied.
2. Approval may not be conditional.

Article 23

1. The financial controller may withhold his approval if he considers that the conditions laid down in Article 22 are not met. If he withholds his approval, he shall furnish a written statement giving the reasons therefor. The chief authorising officer shall be notified accordingly.

Where approval is withheld and the chief authorising officer maintains his proposal, the refusal shall be referred for a decision to the Commission.

2. Except where the availability of appropriations is in doubt, the Commission may, by means of a decision stating the full reasons therefor and taken on its sole responsibility, overrule such a refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

2. Assigned funds*Article 24*

1. The contracts concluded by the beneficiary for the implementation of a project or programme which was the subject of a financing decision referred to in Article 20(2) and approved by the Head of Delegation, shall be recorded in the accounts by the chief authorising officer. This recording is called assigned funds. The same holds for contracts and estimates concluded directly or on behalf of the beneficiary by the Commission for the implementation of such projects and programmes.
2. The assigned funds recorded shall be set off against commitments of expenditure of the financing decisions referred to in Article 20(2).

3. Validation of expenditure*Article 25*

The validation of expenditure shall be the act whereby the chief authorising officer:

- (a) verifies the existence of the creditor's claim;
- (b) determines or verifies the existence and the amount of the sum due;
- (c) verifies the conditions under which payment falls due.

Article 26

1. Validation of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered or the existence of a document justifying payment. The nature of the supporting documents to be enclosed with the payment orders and the particulars they shall include shall be such as to make it possible to carry out the checks provided for in Articles 25 and 29.

2. For certain categories of expenditure, advances may be granted.

3. The chief authorising officer empowered to validate expenditure shall personally check the supporting documents or shall, on his own responsibility, ascertain that this has been done.

4. Authorisation of expenditure*Article 27*

Authorisation is the act whereby the chief authorising officer, by the issue of a payment order, authorises the accounting officer to pay an item of expenditure which he has validated.

Article 28

The payment order shall state:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid, in figures and in words, showing the currency;
- (c) the name and address of the beneficiary;
- (d) the bank account;
- (e) the method of payment;
- (f) the purpose of the expenditure.

The payment order shall be dated and signed by the chief authorising officer.

Article 29

1. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by a statement confirming that the amounts to be paid are correct and that the supplies have been received or the service performed. The payment order shall show the numbers and dates of the relevant approvals of commitment.

2. Copies of the supporting documents, certified as true copies by the chief authorising officer or the head of the Commission delegation, may, in duly warranted cases, be accepted in place of the originals.

Article 30

1. Subject to Article 35, payment orders shall be sent to the financial controller for prior approval. The purpose of this prior approval shall be to establish that:

- (a) the payment order was properly issued;
- (b) the payment order agrees with the creditor's claim;
- (c) the expenditure is charged to the correct item;
- (d) the appropriations are available;
- (e) the supporting documents are in order;
- (f) the payee is correctly named and described.

2. Should approval be withheld, Article 23 shall apply.

3. After approval by the financial controller, the original of the payment order, together with all supporting documents, shall be forwarded to the accounting officer.

5. Payment of expenditure*Article 31*

1. Without prejudice to Article 313 or Article 319(8) of the Convention concerning respectively the responsibilities of the national authorising officer and the financial liabilities of the agents responsible for the management and execution of development finance cooperation, payment is the final action whereby the EDF is discharged of its obligations towards its creditors.

2. Subject to Article 36, payment shall be made by the accounting officer within the limits of the funds available.

Article 32

In the event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this Financial Regulation, the accounting officer shall suspend payment.

Article 33

1. If payment is suspended, the accounting officer shall give the reasons for his decision in a written statement which he shall send forthwith to the chief authorising officer and, for information, to the financial controller.

2. Except where the validity of the discharge is contested, the chief authorising officer may, where payment is suspended, refer the matter to the Commission. The latter may require, in writing and on its own responsibility, that payment be effected.

Article 34

1. Payments shall be effected through the bank accounts described in Article 5. The procedures for opening, administering and using such accounts shall be determined by the Commission.

2. These conditions shall in particular require two signatures on cheques and on transfer orders, one signature being that of the accounting officer, an assistant accounting officer or an administrator of advance funds; these conditions shall, moreover, require the specification of the expenditure in respect of which payment must necessarily be made either by cheque or by transfer.

6. Payments effected locally*Article 35*

1. In cases where the chief authorising officer has delegated his responsibilities to the head of delegation in accordance with Article 13, the corresponding payments may be effected by an assistant accounting officer, on the spot, appointed under the conditions referred to in Article 15.

The assistant accounting officer shall effect payments in local currency from the paying agent account in the ACP State or OCT and, where appropriate, payments in foreign currency from one or more paying agent accounts in the Community.

2. The entry in the EDF accounts of the payments effected pursuant to paragraph 1 may also be entrusted to the assistant accounting officer.

3. For payments made by the assistant accounting officer, the financial controller will carry out checks after they are effected or possibly after their entry in the accounts.

7. Imprest accounts*Article 36*

1. For the payment of certain categories of expenditure, advance funds may be set up at the decision of the chief authorising officer following a favourable opinion of the accounting officer and of the financial controller.

2. Only the accounting officer may replenish the imprest accounts.

3. The rules governing the management of the advance funds shall cover in particular:

- (a) the appointment of administrators of advance funds;
- (b) the nature and maximum amount of each item of expenditure to be incurred;
- (c) the maximum amounts which may be advanced;
- (d) the procedures for the production of supporting documents and the time within which they must be produced;

(e) the responsibility of the administrators of advance funds.

4. The chief authorising officer and the accounting officer shall take the necessary steps towards clearing, in respect of the exact amounts and within the appropriate period, advances granted under this Article.

Section IV**ACCOUNTS***Article 37*

Accounts shall be kept in ecus by the double entry method and on the basis of the calendar year.

They shall show all:

- (a) appropriations,
- (b) commitments,
- (c) assigned funds,
- (d) revenue, payments, established debts and collection operations for the year in full and without any adjustment against each other.

They shall be substantiated by supporting documents.

When assigned funds, revenue, payments and debts are expressed in national currencies, the accounting system should make it possible, where necessary, for them to be recorded in national currencies as well as in ecus.

Article 38

1. The commitments defined in Article 20(2) shall be recorded in ecus for the value of the financing decisions taken by the Commission.

2. The assigned funds defined in Article 24 shall be recorded in ecus at the equivalent of the value of the contracts and estimates concluded by the beneficiary ACP State or OCT or by the Commission in the performance of the project. This value shall include where appropriate:

- (a) provision for the payment of (reimbursable) expenses on presentation of supporting documents;
- (b) provision for the revision of prices and contingencies as defined in EDF-funded contracts;
- (c) financial provision for exchange rate fluctuations.

3. The conversion rates to be used for final accounting of payments made under the projects or programmes referred to in Part 3, Title III, of the Convention shall be the rates applicable on the actual date of such payments. That date shall correspond to the date on which the Commission accounts referred to in Article 5 of this Financial Regulation were debited.

4. All accounting records referring to the fulfilment of a commitment shall be kept for a period of five years from the date of the decision giving discharge in respect of implementation of the EDF, referred to in Article 33(3) of the Internal Agreement, concerning the financial year during which the commitment was closed for accounting purposes.

Article 39

1. The Commission shall keep accounts of the risk capital and interest-rate subsidies administered by the Bank on behalf of the Community.

2. Before the financing decision is adopted by the Bank's board of directors in accordance with Article 29(3) and (4) of the Internal Agreement, a proposal to enter the decision in the accounts shall be sent to the financial controller and to the accounting officer by the chief authorising officer.

3. The proposal shall indicate, *inter alia*, the purpose, the estimated amount and the item to which the expenditure is to be booked as well as the beneficiary of the financing.

The purpose of the approval of the financial controller shall be to establish that:

- (a) the expenditure is booked to the correct item;
- (b) appropriations are available.

Validation by the accounting officer shall take place after the Bank's Board of Directors has adopted the financing decision.

- 4. (a) Financing decisions relating to risk capital adopted by the Bank shall be entered in the accounts at their nominal value.
- (b) In the case of interest-rate subsidies, a provisional entry shall be made in the accounts based on a value estimated by the Commission when the decision was adopted. This shall be finalised in the accounts on receipt of the estimate of the amount of the interest-rate subsidy from the Bank when the contract is signed. This amount shall be adjusted at the end of the contract.

5. Requests for payments of funds as referred to in Articles 59(2) and 61 (3) shall be sent to the financial controller for approval by the chief authorising officer.

The following shall be indicated in requests for payment:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid, in figures and in words, showing the currency;
- (c) the name and address of the payee;
- (d) the bank account and the method of payment;
- (e) the purpose of the expenditure;
- (f) the value date of the payment.

6. The payment shall be made and entered in the accounts by the accounting officer.

7. The termination of a financing decision and the repayment of the balance available to the relevant appropriation shall be effected at the request of the EIB.

Article 40

1. Entries in the accounts shall be made on the basis of an accounting plan comprising a nomenclature of budgetary items which makes a clear distinction between the financial statements and revenue and expenditure accounts.

2. The detailed conditions for drawing up and operating the accounting plan shall be defined by the Commission on a proposal from the accounting officer.

Article 41

The accounts shall be closed at the end of the financial year to enable the financial statements and revenue and expenditure accounts of the EDF to be drawn up. These shall be submitted for the financial controller's opinion.

Section V

RESPONSIBILITIES OF AUTHORISING OFFICERS, FINANCIAL CONTROLLERS, ACCOUNTING OFFICERS AND ADMINISTRATORS OF ADVANCE FUNDS

Article 42

Without prejudice to Article 313(1)(f) or Article 319(8) of the Convention, authorising officers who, when establishing entitlements to be recovered for the EDF, entering into commitments of expenditure, signing payment orders, or issuing recovery orders, do so without complying with this Financial Regulation, shall render themselves liable to disciplinary action, and where appropriate, to payment of compensation. The same shall also apply if they neglect to issue recovery or payment orders or are, without justification, late in issuing them, thereby rendering the Commission liable to civil action by third parties.

Article 43

Financial controllers shall be liable to disciplinary action and, where appropriate, to payment of compensation for any action taken during their terms of office, in particular where they approve expenditure in excess of appropriations.

Article 44

1. The accounting officer and assistant accounting officers shall be liable to disciplinary action and, where appropriate, to payment of compensation as regards payments they make in disregard of Article 32.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.

Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and administration of accounts held with recognised financial institutions and, in particular:

- (a) where the recoveries or payments made by them do not agree with the amounts on the corresponding recovery or payment orders;
- (b) where they effect payments to a party other than the entitled payee.

2. Administrators of advance funds shall be liable to disciplinary action and, where appropriate, to payment of compensation:

- (a) where they cannot show due warrant with proper documents for payments made by them;
- (b) where they effect payments to a party other than the entitled payee.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.

3. The accounting officer, assistant accounting officers and administrators of advance funds shall insure themselves against any risk they may incur under this Article, and which cannot be covered by the guarantee fund provided for in paragraph 4. The Commission shall cover the relevant insurance costs.

4. Special allowances shall be granted to accounting officers, assistant accounting officers and administrators of advance funds. The amount of these allowances shall be determined by the Commission. The sums corresponding to these allowances shall be credited each month to an account opened by the Commission on behalf of each of these officials in order to establish a guarantee fund to cover any cash or bank shortage for which the person concerned might render himself liable.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer or administrator of advance funds. In the case of accounting officers, this shall be conditional upon receipt of the final discharge referred to in Article 46.

Article 45

The liability of the chief authorising officer and his deputies, financial controllers, accounting officers and administrators of advance funds to payment of compensation and disciplinary action may be determined in accordance with Articles 22 and 86 to 89 of the Staff Regulations of officials of the European Communities.

Article 46

The Commission shall be allowed a period of two years from the date on which the financial statements are submitted to the Council to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

TITLE III

IMPLEMENTING MEASURES

Section I

EDF OPERATIONS ADMINISTERED BY THE COMMISSION

1. General

Article 47

Where aid accorded is onlent to the final borrower in accordance with Articles 219(5), 233(3) and 266 of the Convention, the financial agreement shall specify the terms of such lending, *inter alia* rates of interest, duration of loan, grace period, and arrangements for the utilisation of funds provided by reimbursement of capital and interest. In fixing these terms, due regard will be paid to all relevant provisions of the Convention, and in particular, to Articles 233(4)(b), 240(1)(a) and Article 291.

Article 48

Claims for delayed payments for which it is responsible by virtue of Article 319 of the Convention shall be borne by the Commission from the account provided for in Article 9(2) of the Internal Agreement.

2. Tenders and contracts

Article 49

1. The Commission shall take all appropriate measures to ensure the effective dissemination of information for the economic operators concerned, notably through periodical publication of forecasts of contracts to be financed from the resources of the EDF.

2. The Commission shall ensure that the following are published by the most appropriate means:

- (a) indicating the purpose, content and value of each contract forecast:
 - once a year, forecasts of the contracts for services and technical cooperation projects to be awarded after invitations to tender during the twelve months following publication,
 - once every three months, any changes in the forecasts referred to in the first indent;
- (b) the results of invitations to tender at the earliest opportunity.

3. A similar procedure shall be followed in communicating decisions to intervene in respect of carrying out studies and supplying technical assistance.

Article 50

The Commission shall inform the Council each year of any contract concluded during that year. Where appropriate, it shall notify the Council of any measures it has been led to take or proposes to take to improve the terms of competition for participation in invitations to tender issued by the EDF.

In its report, the Commission shall provide the Council with information enabling it to assess whether the measures taken by the Commission have in fact first given all undertakings of the various Member States, of the ACP and of the associated countries and territories equal opportunity of access to works, supply and services contracts financed by the EDF.

Article 51

Information relating to direct agreement contracts, works, supply and services contracts concluded following restricted invitation to tender or direct labour contracts shall be contained in the annual report to the Council referred to in Article 50.

Article 52

1. Without prejudice to Article 20(1)(c) of the Internal Agreement, the provisions of the General Regulations and Conditions of Contract shall apply to all tenders and contracts financed from the EDF. The payments arrangements and the currency or currencies of payment shall be specified in the wording of the relevant contracts.

2. The price offered in tenders for contracts financed by the EDF shall take into account the applicable tax arrangements provided for in Articles 308, 309 and 310 of the Convention.

3. Where payment is made in the national currency of an ACP State, it shall be made through the intermediary of a bank established in that State or in the country where the contractor's registered office is located.

Where payment is made in ecus or in a foreign currency, it shall be made through the intermediary of an approved bank or agency established in a Member State, in an ACP State or in the country where the contractor's registered office is located.

3. Structural adjustment support

Article 53

1. Support for structural adjustment programmes provided under the Convention shall be implemented in accordance with Articles 243 to 248 of the Convention.

2. Contracts arising in the case of import programmes which take the form of provision of foreign exchange may be expressed in currencies other than those of ACP States or the ecu, such other currencies to include those of countries which are not Contracting Parties to the Convention.

3. On the occasion of each advance of funds provided in structural adjustment programmes, the Commission shall check regularity and conformity with respect to the justification of the use of funds and the rules applicable pursuant to Articles 246, 248 and 294(1)(b) of the Convention and to Article 20 of the Internal Agreement.

4. Management of the export earnings stabilisation system (Stabex)

Article 54

The annual resources available to the Stabex system provided for in Article 191 of the Convention shall be managed by the Commission in accordance with the following procedures:

- (a) half of each annual instalment shall be credited to the system on 1 April and 1 July respectively and transferred to a special Stabex bank account. However, the first half annual instalment in each year shall be reduced by any amount used in advance in the preceding year under Article 194(1) of the Convention. The second half annual instalment in each year shall be increased by any amount used in advance on the following year under Article 194(1) of the Convention. Any sums due to the Stabex system in the year in which the Convention came into force shall be transferred to the Stabex account on the date of entry into force of this Financial Regulation, with effect from the due dates laid down above. Each Member State may, however, convert the contribution owed by it into an open debt producing interest for the benefit of the system in accordance with the arrangements laid down in Annex II;
- (b) interest shall be provided on the amounts of annual instalments credited to the Stabex system's resources as follows:
 - from 1 April each year on the amount of the first half of each annual instalment less any advance and transfers paid from the Stabex system's resources,
 - in like manner, from 1 July each year in respect of the second half of each annual instalment;
- (c) any part of an annual instalment which has not been paid by way of advance or transfer shall continue to bear interest which shall accrue to the system's resources until its utilisation in the following year;

- (d) the transfers referred to in Article 211 of the Convention shall be made in ecus into an interest-bearing bank account, opened in a Member State of the Community and chosen by mutual agreement between the ACP State and the Commission. All interest accruing shall be credited to that account. All withdrawals from the account shall require two signatures, one being that of a person designated by the ACP State concerned, the other that of the Commission's head of delegation. The funds in the account, including interest, shall be mobilised in accordance with Article 186(2) of the Convention.

Article 55

Where advance use is made of the following year's instalment as provided for in Article 194 of the Convention, the advances referred to in Article 206 of the Convention shall be reduced proportionately.

Article 56

The quarterly report to the Member States on the cash situation of the EDF treasury, provided for in Article 2(1), shall include specific information on the financial situation of the Stabex system.

Article 57

Wherever the calculation of the amount of a transfer or advance requires the conversion of statistics expressed in the national currency of the ACP State concerned, or of any other currency, into ecus, the exchange rate applicable shall be the average annual rate in force in the calendar year to which the statistics concerned refer.

Section II

AID MANAGED BY THE BANK

Article 58

The Bank shall forward to the Commission at the beginning of each quarter estimates of all amounts expected to be claimed from the EDF in that quarter in respect of the risk capital and interest-rate subsidies that it administers in accordance with Article 10 of the Internal Agreement.

1. Risk capital

Article 59

1. Each decision to grant risk capital shall set a limit to the Community's commitment and financial responsibilities and, in the case of shareholdings, to the extent of the rights in the company to which such operations relate.

The decision shall also take into account the provisions of Article 234(2) of the Convention relating to responsibility for exchange-rate risks.

The instruments giving effect to risk-capital operations shall be concluded by the Bank acting as the Community's authorised agent.

2. When each disbursement takes place, the Bank shall request the Commission to pay in ecus the amount of the risk capital disbursed. The Commission shall pay this amount within 21 days of receipt of the request for payment with the same value date as that of the disbursement by the Bank.

3. When the disbursement takes place in currencies other than the ecu, the exchange rates used to determine the amounts to be disbursed shall be those obtained by the Bank from the correspondent responsible for the exchange transaction.

The ecu exchange rates to be used by the borrower to calculate the amounts due in respect of products, income and reimbursements from risk capital operations shall be those in force one month before the date of payment.

4. Amounts due in respect of receipts, income and repayments relating to risk capital operations shall be collected by the Bank on behalf of the Community, in accordance with Article 60.

Article 60

The sums collected by the Bank in the form of receipts, income or repayments from risk-capital operations shall be credited to a special account opened on behalf of the Community for the Member States in proportion to their contributions to the EDF. The account shall be denominated in ecus and managed by the Bank in accordance with Article 9(1) of the Internal Agreement. The Bank shall agree with the Member States on the information to be supplied concerning the account.

The technical procedures for the management of the account, including those relating to the fixing of the rates of interest on it, shall be decided upon by the Council and the Bank in agreement with the Commission.

2. Subsidised loans

Article 61

1. The aggregate amount of interest-rate subsidies on each loan from the Bank shall be calculated in ecus in accordance with Article 235 of the Convention on the basis of the composite interest rate to be fixed in accordance with the procedures set out in paragraph 3(c) of this Article.

2. On the signing of each loan contract, the Bank shall communicate to the Commission the estimated total amount of the interest-rate subsidy expressed in ecus.

3. Upon the disbursement of each instalment of the loan, the Bank shall request the Commission to pay the interest subsidy relating to the instalment based on the following calculations:

- (a) the equivalent in ecus of the amounts of currencies in which the loan instalment was disbursed at the conversion rate for those currencies and the ecu as published in the *Official Journal of the European Communities* in operation on the date on which the amount of currencies to be disbursed is determined, which date shall be communicated to the Commission;
- (b) application of the percentage rate of interest subsidy to the declining annual capital balance due at each repayment date;
- (c) the present value of the interest subsidies relating to the loan disbursement. Calculation of the present value shall be made by reference to a composite discount rate equal to the annual interest rate(s) which the Bank would in fact receive in the currency or currencies used for the relevant disbursement of the

loan if the loan did not benefit from an interest subsidy. The actual calculation of present value shall use this composite discount rate reduced by four tenths of a percentage point.

4. The Commission shall pay in ecus the amount of subsidy, discounted in accordance with the procedures described in paragraph 3, within 21 days of receipt of the request for payment, the value date being that of the disbursement of the relevant loan instalment.

5. Where the whole of an interest subsidised loan is repaid in advance, the Bank shall pay to the Commission the total balance of the discounted subsidy, adjusted for the period between receipt and payment by the Bank, on the first contractual repayment date subsequent to the advance payment. Where only part of such a loan is repaid, the payment by the Bank to the Commission shall relate to that part of the loan which has been repaid.

6. The sums reimbursed to the Commission shall be added to the appropriations available for the financing of interest-rate subsidies provided for in Article 4 of the Internal Agreement.

7. All payments provided for in this Article shall be made in ecus.

TITLE IV

EXECUTIVE AGENTS

1. The chief authorising officer

Convention, temporary replacement of that officer by the chief authorising officer.

Article 62

The chief authorising officer of the EDF, referred to in Article 311 of the Convention, shall take all measures necessary for the implementation of Articles 294 to 307 of the Convention.

Article 63

1. The chief authorising officer shall take all measures to ensure that national or regional authorising officers perform the tasks for which they are responsible by virtue of the Convention, and in particular Articles 312 to 315 thereof.

2. Where the chief authorising officer of the EDF becomes aware of problems in the carrying out of procedures relating to management of EDF resources, he shall, in conjunction with the national or regional authorising officer, make all contacts necessary to remedy the situation and take any steps appropriate, including where the national or regional authorising officer does not or cannot perform the duties incumbent on him under the

Article 64

Transactions relating to the execution of projects shall be carried out by the national or regional authorising officer in close cooperation with the head of delegation in accordance with Articles 313 and 317 of the Convention.

In performing the duties laid down in Article 316 the head of delegation shall comply with this Financial Regulation.

2. The paying agent

Article 65

The relations between the Commission and the paying agents provided for in Article 319 of the Convention shall be the subject of contracts which shall require the prior approval of the financial controller. Once signed, these contracts shall be sent to the Court of Auditors.

TITLE V

PRESENTING AND AUDITING ACCOUNTS

Article 66

1. The Commission shall draw up, not later than 1 May each year, the financial statements and the revenue and expenditure accounts of the EDF describing the financial situation of the Fund as at 31 December of the preceding year.

2. The financial statements shall be drawn up by the accounting officer and include:

- (a) a balance sheet of the EDF's assets and liabilities at the end of the preceding financial year;
- (b) a statement of sources and uses of funds covering the preceding financial year;
- (c) a statement of revenue and payments in the preceding financial year;
- (d) a table of revenue showing:
 - estimated revenue for the calendar year,
 - amendments to the revenue estimates,
 - entitlements established in the course of the calendar year,
 - amounts still to be received at the end of the calendar year,
 - additional revenue;
- (e) a table of debts showing:
 - debts still to be recovered at the beginning of the calendar year,
 - entitlements established in the course of the calendar year,
 - amounts recovered in the course of the calendar year,
 - cancellation of established entitlement,
 - debts still to be recovered at the end of the calendar year;
- (f) notes indicating which accounting principles were applied in the preparation and presentation of the accounts providing, where appropriate, additional explanations of various headings in the tables referred to in points (a), (b), (c), (d) and (e).

Article 67

1. The revenue and expenditure account referred to in Article 68 shall be drawn up by the chief authorising officer in conjunction with the accounting officer and shall include:

- (a) a table showing changes during the preceding year in the appropriations referred to in Article 1;

- (b) a table showing the total by appropriation of commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the EDF;

- (c) tables showing by appropriation, country, territory, region or sub-region, the total commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the EDF.

2. The revenue and expenditure accounts shall be prefaced by an analysis of financial management during the preceding year.

Article 68

Without prejudice to Article 33(5) of the Internal Agreement, the Commission shall forward the financial statements and revenue and expenditure accounts to the European Parliament, the Council and the Court of Auditors not later than 1 May of the following financial year.

Article 69

The Court of Auditors and its Members may seek the assistance of the Court's staff in the discharge of their duties.

The tasks delegated to such staff shall be notified by the Court of Auditors itself, or by one of its Members, to the authorities with which the staff in question are required to work.

Article 70

1. Without prejudice to Article 33(5) of the Internal Agreement, the audit carried out by the Court of Auditors shall be based on records and, if necessary, be performed on the spot. Its purpose shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner with regard to the provisions applicable and that the financial management has been sound.

2. In the performance of its tasks, the Court of Auditors may, under the conditions laid down in paragraph 6, consult all documents and information relating to the financial management of the departments subject to its inspection; it has the power to hear any official responsible for revenue and expenditure operations and to use any of the auditing procedures appropriate to those departments.

3. The Court of Auditors shall ensure that all securities and cash on deposit or in hand are checked against vouchers signed by the depositaries or against official memoranda of cash and securities held. The Court may itself carry out such checks.

4. At the request of the Court of Auditors, the Commission shall authorise financial institutions holding EDF deposits to enable the Court to ensure that the external data tally with the accounts.

5. The Commission shall afford the Court of Auditors all the facilities and give it all the information which the Court may consider necessary for the performance of its tasks, and shall in particular provide all the information available to the Commission as a result of the checks which it has carried out, pursuant to the regulations in force, within the departments responsible for the management of EDF finances and for effecting expenditure on behalf of the Community. In particular, it shall place at the disposal of the Court all documents concerning the conclusion and implementation of contracts and all accounts of cash or materials, all accounting records or supporting documents and also the administrative documents pertaining thereto, all documents relating to revenue and expenditure, all inventories, and all lists of posts in the departments which the Court of Auditors may consider necessary and all documents and data created or stored on a data medium.

To this end, officials subject to audit by the Court of Auditors shall in particular:

- (a) disclose their records of cash in hand, any other cash, securities and materials of any kind and the supporting documents in respect of their management of which they are the depositaries and any books, registers and other documents relating thereto;
- (b) present the correspondence or any other document required for the full implementation of the audit referred to in paragraph 1.

The information referred to under (b) of the second subparagraph may be requested only by the Court of Auditors.

The Court of Auditors shall be empowered to audit the documents in respect of EDF revenue and expenditure which are held by the Commission's departments and, in particular, by the departments responsible for decisions on such revenue and expenditure.

6. The task of establishing that revenue has been received and expenditure incurred in a lawful and regular manner and that the financial management has been sound shall also encompass the utilisation by bodies outside the Commission of Community funds they have received. Any grant of EDF funds to beneficiaries outside the Commission shall be subject to the agreement in writing by the recipients to an audit being carried out by the Court of Auditors on the utilisation of the amounts paid out.

Article 71

1. The Court of Auditors shall draw up an annual report at the end of each financial year.

2. The Court of Auditors may also, at any time, submit observations, notably in the form of special reports, on specific questions and deliver opinions at the request of one of the institutions of the Communities.

3. The special reports shall be transmitted to the institution or body concerned.

The institution concerned shall have two and a half months within which to inform the Court of Auditors of any comments it wishes to make on the observations in question.

Should the Court of Auditors decide to have such observations published in the *Official Journal of the European Communities*, it shall include after them any comments submitted by the institution or institutions concerned.

The special reports shall be transmitted to the European Parliament and the Council, each of which shall decide, in conjunction with the Commission if appropriate, what action is to be taken in response.

Article 72

1. The annual report of the Court of Auditors provided for in Article 188c of the EC Treaty shall be governed by the following provisions:

- (a) the Court of Auditors shall communicate to the Commission, not later than 15 July, any observations which it considers should appear in the annual report. These observations must remain confidential. The Commission shall forward its replies to the Court of Auditors not later than 31 October of the relevant year;
- (b) the annual report shall contain an assessment of the soundness of the financial management.

2. The Court of Auditors shall send its annual report, together with the Commission's replies, not later than 30 November, to the Commission and to the authorities responsible for giving discharge pursuant to Article 33(3) of the Internal Agreement, and shall ensure its publication in the *Official Journal of the European Communities*.

Article 73

At the same time as the annual report referred to in Article 71, the Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and to the legality and regularity of the underlying transactions.

Article 74

1. Before 30 April of the following year, the European Parliament, upon a recommendation from the Council, which shall act by a qualified majority, shall give the Commission discharge in respect of the execution of the financial management of the EDF for the preceding financial year, in accordance with Article 33(3) of the Internal Agreement. If this date cannot be complied with, the European Parliament or the Council shall inform the Commission of the reasons for which this decision has had to be deferred. Should the European Parliament postpone the decision giving discharge, the Commission shall make every effort to take measures, as soon as possible, to facilitate removal of the obstacles to this decision.

2. The discharge decision shall include an assessment of the responsibility of the Commission in the execution of the financial management during the preceding period.

3. The financial controller shall take account of the observations appearing in the decision giving discharge.

4. The Commission shall take all appropriate steps to act on the comments appearing in the decision giving discharge.

5. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these comments, and, in particular, on the instructions given to those of its departments which are responsible for the management of the EDF. This report shall also be sent to the Court of Auditors.

6. The financial statements and the revenue and expenditure accounts for each financial year and the decision giving the discharge shall be published in the *Official Journal of the European Communities*.

TITLE VI

GENERAL AND FINAL PROVISIONS

Article 75

Unless otherwise specified, references in this Financial Regulation to the provisions of the Convention shall be deemed to refer to the corresponding provisions of Decision 91/482/EEC.

Article 76

This Regulation shall be applicable to the aid specified in the Financial Protocol to the Convention. This Regulation shall enter into force on the day following that of its adoption and shall be applicable for the same period as the Internal Agreement.

Done at Luxembourg, 16 June 1998.

For the Council
The President
M. MEACHER

ANNEX I

In accordance with Article 1 of the Internal Agreement, the eighth EDF shall consist of ECU 13 132 million, of which:

1. ECU 12 967 million, for the ACP States, allocated as follows:

(a) grants reserved for structural adjustment support:	ECU 1 400 million
(b) grants reserved for the Export Earnings Stabilisation System (Stabex):	ECU 1 800 million
(c) grants reserved for Sysmin:	ECU 575 million
(d) grants reserved for emergency aid:	ECU 140 million
(e) grants reserved for refugee aid:	ECU 120 million
(f) grants reserved for regional cooperation:	ECU 1 300 million
including:	
— an amount reserved to finance the budget of the Centre for the Development of Industry,	
— an amount reserved for the purposes of Annex LXVIII to the Convention,	
— an amount reserved to finance regional programmes pertaining to trade development as referred to in Article 138 of the Convention,	
— an amount reserved for the incentive financing of institutional support as referred to in Article 224(m) of the Convention;	
(g) grants reserved for the financing of interest-rate subsidies as referred to in Article 235 of the Convention:	ECU 370 million
(h) grants reserved for the financing of national programmable aid:	ECU 6 262 million
(i) risk capital:	ECU 1 000 million

2. ECU 165 million, for the OCT, allocated as follows:

(a) grants reserved for the Export Earnings Stabilisation System (Stabex):	ECU 5,5 million
(b) grants reserved for Sysmin:	ECU 2,5 million
(c) grants reserved for emergency aid:	} ECU 3,5 million
(d) grants reserved for refugee aid:	
(e) grants reserved for regional cooperation:	ECU 10 million
(f) grants reserved for the financing of interest-rate subsidies as referred to in Article 157 of Decision 91/482/EEC:	ECU 8,5 million
(g) grants reserved for the financing of national programmable aid: British OCT:	} ECU 105 million ⁽¹⁾
(h) grants reserved for the financing of national programmable aid: French OCT:	
(i) grants reserved for the financing of national programmable aid: Netherlands OCT:	
(j) risk capital:	ECU 30 million

⁽¹⁾ It should be noted that the allocation of this amount among the three groups of OCT will have to be determined in the context of the revised Decision on the association of the OCT.

ANNEX II

In accordance with Article 54(a) each Member State may convert the contribution owed by it to finance the annual instalments referred to in Article 191 of the Convention into an open debt producing interest for the benefit of the Stabex system; such contributions would be recorded in the Treasury accounts of Member States that operate this system in accordance with the eighth EDF allocation scale determined in the Internal Agreement.

The compound interest on the debt owed by the Member State concerned will be calculated by the EDF accounting officer on the basis of the annual average rate in force at the Bank for international settlements plus quarter of a percentage point.

The mobilisation of the debt will be effected gradually as and when the need arises.

In practice the Member States are liable for the payment of the following amounts on account of Stabex under this proposal:

- 1998:
 - 1 July 1998:
 - (a) ECU 720 million liable for payment in terms of debt or cash for the years of application 1995 and 1996;
 - (b) ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1997,
 - 1 November 1998: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1997,
 - 1999:
 - 1 April 1999: ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1998,
 - 1 July 1999: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1998,
 - 2000:
 - 1 April 2000: ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1999,
 - 1 July 2000: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1999.
 - 2001 and thereafter: Call for funds on the basis of forecasts of actual expenditure by mobilisation of the debt and up to the amount of the capital as increased by the interest accrued.
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CORRIGENDA

Corrigendum to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables*(Official Journal of the European Communities L 297 of 21 November 1996)*

On page 9, in Article 15(2)(a):

for: '(a) finance both market withdrawals and processing of citrus fruit on the terms set out in paragraph 3;',

read: '(a) finance market withdrawals on the terms set out in paragraph 3;',

and in the second line of Article 15(3):

for: '... withdrawals and/or processing of citrus fruit shall be ...',

read: '... withdrawals shall be ...'.
