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Contents

I *Acts whose publication is obligatory*

- * Council Regulation (EC, ECSC, Euratom) No 2548/98 of 23 November 1998 amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities 1**
- Commission Regulation (EC) No 2549/98 of 27 November 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables 6
- Commission Regulation (EC) No 2550/98 of 27 November 1998 fixing the export refunds on cereal-based compound feedingstuffs 8
- Commission Regulation (EC) No 2551/98 of 27 November 1998 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira 10
- Commission Regulation (EC) No 2552/98 of 27 November 1998 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands 12
- Commission Regulation (EC) No 2553/98 of 27 November 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments 14
- Commission Regulation (EC) No 2554/98 of 27 November 1998 fixing the maximum buying-in price and the quantities of beef to be bought in under the 213th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89 16
- Commission Regulation (EC) No 2555/98 of 27 November 1998 on the supply of milk products as food aid 17

★ Commission Regulation (EC) No 2556/98 of 27 November 1998 laying down for 1999 detailed rules for the application of the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia	20
Commission Regulation (EC) No 2557/98 of 27 November 1998 fixing the maximum aid for concentrated butter for the 193rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90	24
Commission Regulation (EC) No 2558/98 of 27 November 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 21st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97.....	25
★ Commission Regulation (EC) No 2559/98 of 27 November 1998 amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty	27
★ Commission Regulation (EC) No 2560/98 of 27 November 1998 amending Annexes I and II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾	28
Commission Regulation (EC) No 2561/98 of 27 November 1998 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid.....	32
★ Commission Regulation (EC) No 2562/98 of 27 November 1998 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EEC) No 904/90	34
Commission Regulation (EC) No 2563/98 of 27 November 1998 on a tendering procedure for the subsidy on consignments of husked long grain rice to Réunion	40
Commission Regulation (EC) No 2564/98 of 27 November 1998 opening an invitation to tender for the refund on export of wholly milled round grain, medium grain and long grain A rice to certain third countries	43
Commission Regulation (EC) No 2565/98 of 27 November 1998 opening an invitation to tender for the refund on export of wholly milled round grain, medium grain and long grain A rice to certain European third countries	46
Commission Regulation (EC) No 2566/98 of 27 November 1998 opening an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries	49
Commission Regulation (EC) No 2567/98 of 27 November 1998 on the issuing of system B export licences for fruit and vegetables	52
★ Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access	54

⁽¹⁾ Text with EEA relevance

Council

98/683/EC:

- ★ **Council Decision of 23 November 1998 concerning exchange rate matters relating to the CFA Franc and the Comorian Franc.....** 58

Commission

98/684/EC:

- ★ **Commission Decision of 17 November 1998 exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93 (*notified under document number C(1998) 3529*)** 60

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, ECSC, EURATOM) No 2548/98
of 23 November 1998
amending the Financial Regulation of 21 December 1977 applicable to the
general budget of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 209 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78h thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 183 thereof,

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

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

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas the conciliation instituted by the Joint Declaration of 4 March 1975 by the European Parliament, the Council and the Commission has taken place within a conciliation committee;

Whereas the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾ (hereinafter 'the Financial Regulation') must be amended to improve financial management within the institutions;

Whereas the management of commitments is sometimes subject to considerable delays and the control of ongoing commitments must therefore be strengthened; whereas to that end the provision in Article 1(7), inserted when Regulation (Euratom, ECSC, EEC) No 610/90 of 13 March 1990 amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁵⁾ was adopted, should be supplemented by providing for general provisions on cancelling appropriations in Articles 1(7) and 36(2); whereas however it should be provided that these provisions do not apply to the Structural Funds or the Cohe-

sion Fund, so as not to affect the possible development of particular provisions concerning them and having regard to the need to ensure consistency between them all;

Whereas there must be strict control of the delegation and subdelegation of powers to sign; whereas staff who exercise powers which are not delegated or subdelegated to them or who exercise powers in excess of the limits of the powers expressly conferred on them must be made liable to disciplinary action and, where appropriate, to payment of compensation;

Whereas, if management of Community programmes is subcontracted, this must be governed by appropriate provisions to guarantee the transparency of operations and to lay down the procedure for the entry in the accounts of the funds available for use in financing the programmes in question;

Whereas the financial controller is responsible for the internal audit of his institution; whereas, in this respect, he must be consulted about setting up and altering inventory systems and systems of financial management used by the authorising officers; whereas the analysis of financial management should also be submitted to the financial controller;

Whereas account must be taken of the possibilities deriving from computerised systems of financial management;

Whereas the system of accounts must be improved;

Whereas the Financial Regulation should contain adequate provisions for the entry in the accounts of traditional own resources, which have their own specific features as compared with the other own resources (VAT and GNP);

Whereas the legal commitments made by the institution and the accounting commitments submitted to financial control and recorded in the central accounts must correspond exactly, while leaving a reasonable length of time for the conclusion of the legal commitments in cases

⁽¹⁾ OJ C 296, 8. 10. 1996, p. 13 and OJ C 359, 25. 11. 1997, p. 9.

⁽²⁾ OJ C 286, 22. 9. 1997, p. 330.

⁽³⁾ Opinion delivered on 9 and 10 July 1997 (not yet published in the Official Journal).

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 70, 16. 3. 1990, p. 1.

where the Commission's decisions count as global budgetary commitments;

Whereas the degree and nature of the risks incurred as a result of commitments and payments vary according to the sector involved; whereas consequently the financial controller should, while maintaining a minimum prior control over all the commitments and payments for all recipients as well as a systematic control in the risk sectors, be able to make distinctions in the methods of control in such a way as to enable an allocation of means while taking account of the risks; whereas systematic control must be maintained or reinstated in the risk sectors;

Whereas time limits should be set for the procedure for overruling the withholding of approval by the financial controller;

Whereas, with the introduction of the statement of assurance, it is essential that the discipline required with regard to inventories be strengthened by laying down the respective duties of the authorising officer and the accounting officer;

Whereas the procedure for the authorisation of transfers between chapters in the EAGGF Guarantee Section should be adjusted by allowing the Commission additional time to present its proposals for transfer;

Whereas Title IX of the Financial Regulation should be amended to bring its provisions into line with the criteria of transparency, publicity and competition contained in the Council Directives on the award of contracts and the international agreements to which the European Community is a signatory,

HAS ADOPTED THIS REGULATION:

Article 1

The Financial Regulation is amended as follows:

1. in Article 1(7):

(a) the first subparagraph shall be replaced by the following:

'7. The legal commitments entered into for measures extending over more than one financial year and the corresponding commitment proposals shall contain a time limit for implementation. This date must be notified to the recipient in the appropriate legal form. The parts of those commitments not used six months after this date shall be cancelled in accordance with Article 7(6). However, the third sentence of this subparagraph shall apply to neither the Structural Funds nor the Cohesion Fund.'

(b) the third subparagraph shall be replaced by the following:

'The Commission may, in special circumstances, adjust the time limit for implementation of these commitments, where appropriate reasons are given by the recipients.'

(c) the following subparagraph shall be added:

'In this case, the date shall be adjusted in accordance with the same procedure as that provided for in Articles 36 to 39 for the commitment proposal and shall be notified to the recipient in the appropriate legal form.'

2. in Article 7:

(a) in the first indent of point (a) of paragraph (2), the words 'which relate' shall be replaced by the word 'relating', the semi-colon shall be deleted and the words 'these amounts must' shall be replaced by the word 'must';

(b) in paragraph 6, the first subparagraph shall be replaced by the following:

'When commitments in budget headings where there is a distinction between commitment appropriations and payment appropriations are cancelled as a result of total or partial non-implementation of the projects for which they were earmarked in any financial year after that in which the commitment appropriations were entered in the budget, the appropriations concerned shall, as a rule, lapse. In addition, any amounts unduly paid shall be recovered.'

3. in Article 22:

(a) in paragraph 2, the following subparagraph shall be added:

'The Commission and other institutions may not, under any form or upon any basis whatsoever, delegate to outside entities or organisations tasks of implementing the budget which may give rise to missions on the part of the European public service, especially where powers to enter into public contracts are involved.'

(b) in paragraph 4, the following shall be inserted as the third subparagraph:

'All acts implementing the budget which are capable of giving rise to a confusion of interests between delegator, delegatee and third party recipient of expenditure shall be prohibited.'

The implementing arrangements set out in Article 139 shall govern the conditions for implementing this Article, in particular the following aspects:

- causes of the confusion of interests,
- persons between whom the confusion of interests may arise,
- consequences of the confusion of interests.'

(c) in paragraph 4, the following subparagraph shall be added:

'Any member of staff who authorises commitments or payments without having been delegated or subdelegated the necessary powers, or in excess of the limits of the powers expressly conferred upon him, shall render himself liable to

disciplinary action and, where appropriate, to payment of compensation in accordance with Title V. Each institution shall adopt internal rules which shall specify the procedure for issuing acts of subdelegation. Such acts shall obligatorily specify in detail the powers conferred.';

(d) the following paragraph shall be inserted:

'4a. When the institutions commission an outside person, body or firm to perform a Community activity, the contracts and subcontracts concluded for that purpose must contain all appropriate provisions for ensuring the transparency of the contracted and subcontracted operations in accordance with the implementing rules provided for in Article 139.

If the payments made to the subcontractors generate interest which may be used to finance the programmes in question, the following procedure shall be applied:

- periodically, at intervals of no more than six months, recovery orders shall be issued for the interest generated by these funds, which will then be booked to the statement of revenue,
- at the same time, appropriations for the corresponding amount, in both commitments and payments, shall be made available in the heading of the statement of expenditure to which the initial expenditure was charged.';

4. in Article 24, the fourth and fifth paragraphs shall be replaced by the following:

'The financial controller must be consulted on the setting up and alteration of the accounting systems and inventory systems of the institution to which he is attached and on the setting up and alteration of the systems of financial management used by authorising officers. He shall have access to the data of such systems.

Monitoring shall be carried out by that official by means of inspection of the files relating to expenditure and revenue and, if necessary, on the spot. The financial controller shall be responsible for the internal audit of the institution, in accordance with the implementing rules provided for in Article 139. That audit shall include, *inter alia*, assessment of the effectiveness of the management and control systems and verification that operations have been effected in a regular manner.';

5. in Article 25, the following paragraph shall be inserted after the fourth paragraph:

'The accounting officer shall be consulted on the setting up and alteration of the accounting systems of financial management used by authorising officers, where such systems are intended to supply data to the central accounts. He shall, at his request, have access to the data of such systems. The accounting officer

shall also be consulted on the setting up and alteration of the inventory systems.';

6. in Article 27:

- (a) in paragraph 2, point (f) shall be deleted;
- (b) the following paragraph shall be inserted after paragraph 2:

'2a. Notwithstanding Article 4, where products or services supplied to the Commission incorporate taxes which are refunded by Member States pursuant to the Protocol on Privileges and Immunities, the net price shall be charged to the budget.

The refund of these taxes shall be monitored separately in the accounts. Such refund shall be recorded by entry of the definitive amount in the institution's accounts at the latest in the year following the financial year in which it was collected.';

7. in Article 28, the following paragraph shall be added:

'3. Notwithstanding paragraph 1, no forward estimate shall be made for the own resources defined in Article 2(1) and (2) of Decision 94/728/EC, Euratom, which are paid at fixed intervals by the Member States, before the Member States make the amounts available directly to the Commission. The authorising officer responsible shall issue a recovery order for them.

The recovery orders for the revenue referred to at Article 2(1)(a) and (b) of that Decision shall be based on the monthly statements of entitlements established by the Member States, which they send to the Commission.

The recovery orders shall be sent to the financial controller for approval. After they have received his approval, they shall be registered by the accounting officer in accordance with the implementing rules provided for in Article 139.';

8. in Article 36:

- (a) the correction in paragraph 1 concerns the French language version;
- (b) paragraphs 2 and 3 shall be replaced by the following:

'2. Without prejudice to Article 99, the decisions taken by the Commission in accordance with the provisions authorising it to grant financial aid from the various funds or similar operations shall constitute commitments of expenditure. Unless these decisions stipulate a different time limit for implementation in accordance with the abovementioned provisions, these commitments shall cover the total cost of the corresponding individual legal commitments up to 31 December of year $n + 1$.

During the period of implementation referred to in the first subparagraph, the conclusion of each individual legal commitment shall be registered by the authorising officer in the central accounts and booked to the commitment referred to in the first subparagraph.

The unused balance shall be released after the time limit for implementation is laid down. However, this paragraph shall apply neither to the Structural Funds nor to the Cohesion Fund.

3. The procedure for implementing paragraphs 1 and 2 shall ensure that an exact account is kept of commitments and authorisations in terms of actual needs and, as regards paragraph 2, that the specific legal commitments correspond to the overall budget commitment provided for by the Commission decision. The procedure shall be determined by the implementing rules provided for in Article 139²;

9. in Article 37, the following paragraph shall be added:

‘The proposals for commitments referred to in Article 36(1) and the proposals for individual legal commitments referred to in the second subparagraph of Article 36(2) may be subject to spot checks. Such checks shall be carried out under a system which identifies risk sectors, in which there is a high probability that the conditions set out in Article 38(1) will not be fulfilled. Individual commitments shall be checked systematically in risk sectors.’;

10. in Article 39, the second and third paragraphs shall be replaced by the following:

‘Cases where approval is withheld and the authorising officer maintains his proposal shall be referred for a decision to the superior authority of the competent institution among those listed in Article 22(1) and (2) within two months of the date of the decision to withhold approval.

Except where the availability of the appropriations is in doubt, the said superior authority may, by a decision stating the full reasons therefor, taken on its sole responsibility, overrule such a refusal. This decision shall be final and binding with effect from the date on which approval was withheld. It must be taken by 15 February of year $n + 1$. It shall be communicated for information to the financial controller. The superior authority of each institution shall inform the Court of Auditors of all such decisions within one month. The Court of Auditors shall report annually to the Parliament and the Council, within the context of the discharge procedure, on the consequences of the decision to overrule, from the point of view of the legality of, or non-compliance with, a directive as regards public works or service contracts.’;

11. in Article 44, in the third indent, the following shall be added after the words ‘national currency’:

‘However, when payment orders are sent to the banks by means of computerised procedures, the amount need not be expressed in words.’;

12. in Article 46(1), the following subparagraph shall be added:

‘The decision to authorise the balance shall be adopted within the time limit laid down in Article 1(7).’;

13. in Article 47, the following paragraph shall be added:

‘Prior approval may be given on the basis of a spot check; this shall be carried out under a system which identifies risk sectors, in which there is a high probability that the conditions set out in the second paragraph will not be fulfilled. Payment orders shall be checked systematically in risk sectors.’;

14. in Article 58(3) the following sentence shall be added:

‘The tenderer’s offer must from the outset contain all the essential elements required in the invitation to tender, subject to being considered inadmissible. The implementing arrangements set out in Article 139 shall apply for the purpose of establishing the criteria for identifying the essential elements of the tender.’;

15. in Article 65, the following paragraphs shall be added:

‘The inventory system shall be established by the authorising officer with the technical assistance of the accounting officer. This inventory system, which shall be administered by the authorising officer, shall provide the central system of accounts with all the appropriate information needed to draw up the institution’s balance sheet.

The institutions shall each adopt, for their own purposes, provisions relating to the keeping of the equipment recorded in their respective balance sheets and shall determine the departments responsible for this task.’;

16. Article 70 shall be amended as follows:

(a) in the first paragraph, the word ‘budgetary’ shall be replaced by the words ‘expenditure and revenue’;

(b) in the second paragraph, point (a) shall be replaced by the following:

‘(a) accounts of expenditure and revenue, subdivided into two separate subcategories:

— accounts of budgetary expenditure and revenue, which allow implementation of the budget to be monitored and the balance for the financial year to be determined,

— accounts of non-budgetary expenditure and revenue, which complement the previous accounts and can be used to produce a broader accounting result’;

17. the following Article shall be inserted:

'Article 70a

The rules for the entry in the accounts of the depreciation of assets and the rules for writing down the value of assets and for constituting provisions shall be determined by the implementing rules provided for in Article 139.';

18. Article 76 shall be replaced by the following:

'Article 76

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

All relevant data or information, including any reports and withholdings of approval by the financial controller, shall be communicated to the authority empowered to initiate the procedure concerning disciplinary and financial responsibility.';

19. Article 79 shall be replaced by the following:

'Article 79

Each institution shall, not later than 1 March, transmit to the Commission, after submitting them to its financial controller, the information required for drawing up the revenue and expenditure account and the balance sheet and a contribution to the analysis of the financial management referred to in Article 80.';

20. in Article 104(2), the words 'one month before 31 January' shall be replaced by the words '10 January';

21. Article 109(3) shall be replaced by the following:

'3. It shall transmit to the Commission for agreement the results of the examination of the tendering procedure and a proposal for the award of the contract. It shall sign contracts, additions to contracts

and estimates and shall notify the Commission thereof. For contracts, additions to contracts, and estimates, the Commission, where appropriate, shall enter into individual commitments in accordance with the procedures laid down in Articles 36 to 39. Individual commitments shall count towards the commitments under the financing agreements provided for in Article 106(2), in accordance with the second subparagraph of Article 36(2).';

22. Article 112 shall be replaced by the following:

'Article 112

The provisions of this section shall apply instead of those under Title IV to cases in which the Commission, in connection with external aid financed from the general budget of the European Communities, acts as contracting authority in the award of works, supply or service contracts not covered:

- by the Council Directives coordinating the award of public works, supply or service contracts, or
- by the Plurilateral Agreement on Government Procurement concluded within the World Trade Organisation.';

23. Article 113 shall be replaced by the following:

'Article 113

The procedure to be followed for the award of works, supply or service contracts financed from the general budget of the European Communities for recipients of external aid shall be specified in the financing agreement or the contract, subject to the following principles.'

Article 2

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

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

Done at Brussels, 23 November 1998.

For the Council
The President
R. EDLINGER

COMMISSION REGULATION (EC) No 2549/98
of 27 November 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 November 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 27 November 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	39,7
	999	39,7
0709 90 70	052	79,0
	999	79,0
0805 20 10	204	58,3
	999	58,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	55,8
	999	55,8
0805 30 10	052	56,3
	388	46,6
	524	37,2
	528	53,4
	600	85,3
	999	55,8
0808 10 20, 0808 10 50, 0808 10 90	039	62,2
	060	13,2
	064	47,4
	400	83,4
	404	77,5
	999	56,7
0808 20 50	052	85,3
	064	60,7
	400	99,2
	720	47,4
	728	201,4
	999	98,8

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

COMMISSION REGULATION (EC) No 2550/98**of 27 November 1998****fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 2547/98⁽²⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the

quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 November 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 318, 27. 11. 1998, p. 41.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 27 November 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefiting from export refund⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	53,89
Cereal products ⁽²⁾ excluding maize and maize products	34,13

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (unprocessed and not reconstituted) excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 2551/98
of 27 November 1998
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2355/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 December 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 293, 31. 10. 1998, p. 17.

ANNEX

to the Commission Regulation of 27 November 1998 amending Regulation (EEC)
No 1833/92 setting the amounts of aid for the supply of cereals products from the
Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	30,00	30,00
Barley (1003 00 90)	59,00	59,00
Maize (1005 90 00)	49,00	49,00
Durum wheat (1001 10 00)	8,00	8,00

COMMISSION REGULATION (EC) No 2552/98
of 27 November 1998
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

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 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2354/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 December 1998.

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

Done at Brussels, 27 November 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 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 293, 31. 10. 1998, p. 15.

ANNEX

to the Commission Regulation of 27 November 1998 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

		(Ecu/tonne)
Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	30,00
Barley	(1003 00 90)	59,00
Maize	(1005 90 00)	49,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	57,00

COMMISSION REGULATION (EC) No 2553/98
of 27 November 1998

**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

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

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

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2353/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply

to the FOD should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 December 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 293, 31. 10. 1998, p. 13.

ANNEX

to the Commission Regulation of 27 November 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	33,00	33,00	33,00	36,00
Barley (1003 00 90)	62,00	62,00	62,00	65,00
Maize (1005 90 00)	52,00	52,00	52,00	55,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2554/98
of 27 November 1998

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 213th partial invitation to tender as a general intervention measure
pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 2304/98⁽⁴⁾, an invitation to tender was opened pursuant to Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 2466/98⁽⁶⁾;

Whereas, in accordance with Article 13(1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13(2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 213th partial invitation to tender have been considered and taking account, pursuant to Article 6(1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, it has been decided to fix the maximum buying-price and the quantities which may be accepted into intervention;

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

Under the 213th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 231,50 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses and half-carcasses accepted shall be 1 835 tonnes.

Article 2

This Regulation shall enter into force on 30 November 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 288, 27. 10. 1998, p. 3.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 307, 17. 11. 1998, p. 13.

COMMISSION REGULATION (EC) No 2555/98
of 27 November 1998
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾; whereas it is necessary to

specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1524/95
2. **Beneficiary** ⁽²⁾: Peru
3. **Beneficiary's representative:** Programa Nacional de Asistencia Alimentaria (PRONAA), av. Argentina 3017, El Callao, (Fax: (51-14) 426 54 10)
4. **Country of destination:** Peru
5. **Product to be mobilised:** vitaminised skimmed-milk powder
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** one
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(1))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (6.3, A and B(2))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (I.B(3))
 - Language to be used for the markings: Spanish
 - Supplementary markings: 'Distribución gratuita' and 'Fecha de caducidad:..'
11. **Method of mobilisation of the product:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Specified delivery stage:** free at destination ⁽⁷⁾
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** entrepôt PRONAA (see point 3)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 28.2.1999
 - second deadline: 14.3.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 18 — 31.1.1999
 - second deadline: 1 — 14.2.1999
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 14.12.1998
 - second deadline: 4.1.1999
20. **Amount of tendering guarantee:** ECU 20 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 25.11.1998, fixed by Commission Regulation (EC) No 2438/98 (OJ L 303, 13.11.1998, p. 12)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65)
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurisation, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding OJ C 114, point I.A(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris-Memorandum of Understanding on port state control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
-

COMMISSION REGULATION (EC) No 2556/98

of 27 November 1998

laying down for 1999 detailed rules for the application of the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 410/97 of 24 February 1997 on certain procedures for applying the Interim Agreement on Trade and Trade-Related Measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part⁽¹⁾, and in particular Article 1 thereof,

Whereas an Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part⁽²⁾, hereinafter referred to as the 'Agreement', was signed in Brussels on 11 November 1996; whereas pending the entry into force of the Europe Agreement, the Council and Commission decided that the Agreement would apply provisionally in the Community from 1 January 1997;

Whereas the Agreement provides for the opening of a reduced-tariff quota for beef and veal for 1999; whereas detailed rules for the application of that quota should therefore be laid down;

Whereas, in order to ensure orderly importation of the quantities laid down, they should be staggered;

Whereas the arrangements should be managed using import licences; whereas to that end rules should be laid down on the submission of applications and the information to be given on applications and licences, where appropriate by way of derogation from or by supplementing the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 1044/98⁽⁴⁾, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and

repealing Regulation (EEC) No 2377/80⁽⁵⁾, as last amended by Regulation (EC) No 2365/98⁽⁶⁾; whereas, moreover, it should be stipulated that licences are to be issued following a reflection period and, where necessary, after application of a uniform percentage reduction;

Whereas, given the risk of speculation inherent in the arrangements in the beef and veal sector, detailed conditions for access to the quotas should be laid down; whereas, in order for these criteria to be verified, applications must be submitted in the Member State where the applicant is registered for VAT purposes;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1999, the following quantities may be imported under the quota opened by the Interim Agreement with Slovenia: 8 400 tonnes of fresh or chilled beef and veal falling within CN codes ex 0201 10 00 (carcasses), 0201 20 20, 0201 20 30, 0201 20 50 and 0201 30 originating in Slovenia.

This quota shall bear the order No 09.4082.

2. For the meat referred to in paragraph 1, the *ad valorem* and specific customs duties set in the Common Customs Tariff shall be reduced by 80 %.

3. The quantity referred to in paragraph 1 shall be staggered over the year as follows:

- 4 200 tonnes between 1 January and 30 June 1999,
- 4 200 tonnes between 1 July and 31 December 1999.

4. If, during 1999, the quantity for which licence applications are submitted for the first period specified in paragraph 3 is less than the quantity available, the remaining quantity shall be added to the quantity available for the following period.

⁽¹⁾ OJ L 62, 4. 3. 1997, p. 5.

⁽²⁾ OJ L 344, 31. 12. 1996, p. 3.

⁽³⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁵⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ OJ L 293, 31. 10. 1998, p. 49.

Article 2

1. In order to benefit from the import arrangements:

- (a) applicants for import licences must be natural or legal persons who, when submitting their application, must prove to the satisfaction of the competent authorities of the Member State concerned that they have traded in beef and veal with third countries at least once in the previous 12 months; they must be entered on a national VAT register,
- (b) licence applications may be presented only in the Member State in which the applicant is registered,
- (c) licence applications shall relate to a minimum quantity of 15 tonnes of product without exceeding the quantity available,
- (d) the licence application and the licence shall show in box 8 the country of origin; the licence shall carry with it an obligation to import from the country indicated,
- (e) the licence application and the licence shall show the order No 09.4082 and at least one of the following in box 20:

- Reglamento (CE) n° 2556/98
- Forordning (EF) nr. 2556/98
- Verordnung (EG) Nr. 2556/98
- Κανονισμός (ΕΚ) αριθ. 2556/98
- Regulation (EC) No 2556/98
- Règlement (CE) n° 2556/98
- Regolamento (CE) n. 2556/98
- Verordening (EG) nr. 2556/98
- Regulamento (CE) n° 2556/98
- Asetuksen (EY) N:o 2556/98
- Förordning (EG) nr 2556/98.

2. Article 5 of Regulation (EC) No 1445/95 notwithstanding, the licence application and the licence shall show in box 16 one or more of the CN codes referred to in Article 1(1).

Article 3

1. Licence applications may be submitted only:

- from 6 to 15 January 1999 for the quantity referred to in the first indent of Article 1(3),
- from 1 to 12 July 1999 for the quantity referred to in the second indent of Article 1(3).

2. Only one application may be submitted by each applicant. Where an applicant submits more than one application, all his applications shall be rejected.

3. Member States shall notify the Commission, by the fifth working day following the end of the period for submitting applications, of applications presented for the quantity indicated in Article 1(1). Notification shall comprise a list of applicants showing the quantities applied for.

All notifications, including nil notifications, shall be made by telex or fax, notification being made, where applications have been received, in accordance with the model given in the Annex hereto.

4. The Commission shall decide to what extent licence applications can be met.

If the quantity for which licences have been applied for exceeds that available, the Commission shall set a uniform percentage reduction in the quantities applied for.

5. Provided the Commission accepts an application, the licence shall be issued as soon as possible.

Article 4

1. Without prejudice to the provisions of this Regulation, Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

2. Article 3 of Regulation (EC) No 1445/95 notwithstanding, import licences issued pursuant to this Regulation shall be valid for 180 days from their date of issue. However, no licences shall be valid after 31 December 1999.

3. Licences shall be valid throughout the Community.

Article 5

Products shall benefit from the duties referred to in Article 1 on presentation of a EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 to the Interim Agreement or a declaration by the exporter in accordance with the said Protocol.

Article 6

This Regulation shall enter into force on the seventh day following 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 Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Fax No: (32 2) 296 60 27 / 295 36 13

Application of Regulation (EC) No 2556/98

Order No 09.4082

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/2 — BEEF AND VEAL SECTOR

IMPORT LICENCE APPLICATION

Date: Period:

Member State:

Applicant's No ('I)	Applicant (name and address)	Quantity (tonnes)
Total		

Member State: Fax No:

Tel:

(¹) Continuous numbering.

COMMISSION REGULATION (EC) No 2557/98
of 27 November 1998

fixing the maximum aid for concentrated butter for the 193rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 7a(3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 417/98 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 193rd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

— maximum aid:	ECU 134/100 kg
— end-use security:	ECU 148/100 kg.

Article 2

This Regulation shall enter into force on 28 November 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ L 52, 21. 2. 1998, p. 18.

COMMISSION REGULATION (EC) No 2558/98
of 27 November 1998

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the 21st individual invitation to tender under
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 6(3) and (6) and Article 12(3) thereof,

Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 1982/98 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling price, maximum aid and processing securities applying for the 21st individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 November 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁴⁾ OJ L 256, 18. 9. 1998, p. 9.

ANNEX

to the Commission Regulation of 27 November 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 21st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	229	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	120	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		109	105	—	105
	Butter < 82 %		104	100	—	100
	Concentrated butter		134	130	134	130
	Cream		—	—	46	44
Processing security	Butter		120	—	—	—
	Concentrated butter		148	—	148	—
	Cream		—	—	51	—

COMMISSION REGULATION (EC) No 2559/98**of 27 November 1998****amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty**

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

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages ⁽¹⁾, and in particular Article 27(4) thereof,

Having regard to Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽²⁾, as last amended by Directive 96/99/EC ⁽³⁾, and in particular Article 24 thereof,

Having regard to Commission Regulation (EC) No 3199/93 of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty ⁽⁴⁾, as amended by Regulation (EC) No 2546/95 ⁽⁵⁾,

Having regard to the opinion of the Committee on Excise Duties,

Whereas pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly

notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article;

Whereas Italy has communicated an amendment to the denaturant authorised by Regulation (EC) No 3199/93,

HAS ADOPTED THIS REGULATION:

Article 1

The paragraph concerning Italy in the Annex to Regulation (EC) No 3199/93 is hereby replaced by the following:

'Italy

The ethyl alcohol to be denatured must have a content in anhydrous ethyl alcohol not below 90 % in volume. Per hectolitre of anhydrous ethyl alcohol, add:

- 125 grams of thiophene,
- 0,8 grams of denatonium benzoate,
- 3 grams of CI Reactive Red 24, aqueous solution at 25 % w/w,
- 2 litres of methyl ethyl ketone.'

Article 2

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

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

Done at Brussels, 27 November 1998.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 316, 31. 10. 1992, p. 21.

⁽²⁾ OJ L 76, 23. 3. 1992, p. 1.

⁽³⁾ OJ L 8, 11. 1. 1997, p. 12.

⁽⁴⁾ OJ L 288, 23. 11. 1993, p. 12.

⁽⁵⁾ OJ L 260, 31. 10. 1995, p. 45.

COMMISSION REGULATION (EC) No 2560/98

of 27 November 1998

amending Annexes I and II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 1191/98 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or

honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas valnemulin should be inserted into Annex I to Regulation (EEC) No 2377/90;

Whereas *cinnamomi cassiae aetheroleum*, copper heptanoate, copper methionate, copper oxide, copper sulphate, alfaprostol, dicopper oxide, rifaximin, *angelicae radix aetheroleum*, *anisi aetheroleum*, copper gluconate, *caryophylli aetheroleum*, *cinnamomi ceylanici aetheroleum*, *citri aetheroleum*, *citronellae aetheroleum*, *coriandri aetheroleum*, *foeniculi aetheroleum*, *menthae piperitae aetheroleum*, *myristicae aetheroleum*, *rosmarini aetheroleum*, *thymi aetheroleum* and *carvi aetheroleum* should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Directive 93/40/EEC ⁽⁴⁾, to take account of the provisions of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ L 165, 10. 6. 1998, p. 6.

⁽³⁾ OJ L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 27 November 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

A. Annex I to Regulation (EEC) No 2377/90 is amended as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.8. Pleuromutilines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Valnemulin	Valnemulin	Porcine	50 µg/kg 500 µg/kg 100 µg/kg	Muscle Liver Kidney'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species	Other provisions
'Copper chloride	All food producing species	
Copper gluconate	All food producing species	
Copper heptanoate	All food producing species	
Copper methionate	All food producing species	
Copper oxide	All food producing species	
Copper sulphate	All food producing species	
Dicopper oxide	All food producing species'	

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'Alfaprostol	Rabbits	
Rifaximin	All mammalian food producing species	For topical use only'

6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species	Other provisions
<i>'Angelicae radix aetheroleum</i>	All food producing species	
<i>Anisi aetheroleum</i>	All food producing species	
<i>Carvi aetheroleum</i>	All food producing species	
<i>Caryophylli aetheroleum</i>	All food producing species	
<i>Cinnamomi cassiae aetheroleum</i>	All food producing species	
<i>Cinnamomi ceylanici aetheroleum</i>	All food producing species	
<i>Citri aetheroleum</i>	All food producing species	
<i>Citronellae aetheroleum</i>	All food producing species	
<i>Coriandri aetheroleum</i>	All food producing species	
<i>Foeniculi aetheroleum</i>	All food producing species	
<i>Menthae piperitae aetheroleum</i>	All food producing species	
<i>Myristicae aetheroleum</i>	All food producing species	For use in newborn animals only'
<i>Rosmarini aetheroleum</i>	All food producing species	
<i>Thymi aetheroleum</i>	All food producing species	

COMMISSION REGULATION (EC) No 2561/98

of 27 November 1998

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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 2547/98⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽³⁾, as amended by Regulation (EC) No 2072/98⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export

refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

For Community food aid operations for North Korea a refund of ECU 426/tonne is fixed for products falling within CN code 1006 30 98.

Article 3

This Regulation shall enter into force on 1 December 1998.

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

Done at Brussels, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 318, 27. 11. 1998, p. 41.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 27 November 1998 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	27,00
1002 00 00 9000	70,00
1003 00 90 9000	56,00
1004 00 00 9400	54,00
1005 90 00 9000	46,00
1006 30 92 9100	142,00
1006 30 92 9900	142,00
1006 30 94 9100	142,00
1006 30 94 9900	142,00
1006 30 96 9100	142,00
1006 30 96 9900	142,00
1006 30 98 9100	142,00
1006 30 98 9900	142,00
1006 40 00 9000	—
1007 00 90 9000	46,00
1101 00 15 9100	37,25
1101 00 15 9130	37,25
1102 20 10 9200	75,45
1102 20 10 9400	64,67
1102 30 00 9000	—
1102 90 10 9100	67,29
1103 11 10 9200	20,00
1103 11 90 9200	20,00
1103 13 10 9100	97,00
1103 14 00 9000	—
1104 12 90 9100	89,90
1104 21 50 9100	89,72

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2562/98
of 27 November 1998

laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EEC) No 904/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 concerning the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽²⁾, as last amended by Regulation (EC) No 3290/94 ⁽³⁾, and in particular Article 22 thereof,

Whereas Regulation (EC) No 1706/98 implements the amendments to the arrangements for imports from the ACP States made as a result of the mid-term review of the Fourth Lomé Convention; whereas Article 9 in Regulation (EC) No 1706/98 in particular introduces arrangements for reducing import duties on certain products in the pigmeat sectors within the limit of quotas; whereas in comparison to the provisions in Regulation (EEC) No 715/90 Article 9 of Regulation (EC) No 1706/98 provides for an increase in the tariff quotas and for an additional reduction in the customs duties applicable for products listed in Article 9(2) and (3) of the said Regulation; whereas there is also a provision for a reduction in the customs duties without a quota applicable to certain pigmeat products listed in Article 9(1) of Regulation (EC) No 1706/98;

Whereas detailed rules for the application of that Regulation should be adopted as regards the pigmeat products concerned; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1044/98 ⁽⁵⁾;

Whereas, in order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves; whereas the quotas should be staggered over the year and the term of validity of licences should be specified;

Whereas taking into account the quantities that have already been available under the arrangements laid down in Regulation (EEC) No 715/90, the new quantities for 1998 should be made available with regard to the quotas fixed in Regulation (EC) No 1706/98;

Whereas the groups ACP1, ACP2 and ACP3 in this Regulation refer to the products listed in Article 9(1), (2) and (3) of Regulation (EC) No 1706/98, respectively;

Whereas Commission Regulation (EEC) No 904/90 of 9 April 1990 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States or in the overseas countries and territories (OCT) ⁽⁶⁾, as last amended by Regulation (EC) 1369/98 ⁽⁷⁾, should be repealed;

Whereas detailed rules for the issue of import licences for certain pigmeat products qualifying for reduced duties should be laid down;

Whereas this Regulation should apply from 1 December 1998 to enable proper management of the 1998 quotas;

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

HAS ADOPTED THIS REGULATION:

Article 1

All imports into the Community under Article 9 of Regulation (EC) No 1706/98 of products covered by CN codes listed in Annex I to this Regulation shall be subject to the presentation of an import licence.

⁽¹⁾ OJ L 215, 1. 8. 1998, p. 12.

⁽²⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽³⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁴⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ L 149, 20. 5. 1998, p. 11.

⁽⁶⁾ OJ L 93, 10. 4. 1990, p. 23.

⁽⁷⁾ OJ L 185, 30. 6. 1998, p. 14.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quotas fixed by Regulation (EC) No 1706/98.

The annual quantities from the ACP countries referred to in this Regulation shall bear the following order numbers: the quota for group ACP2: 09.4029 and group ACP3: 09.4028.

Article 2

The overall annual quota of 500 tonnes referred to in Article 9(2) and annual quota of 500 tonnes referred to in Article 9(3) of Regulation (EC) No 1706/98 shall be staggered over the year as follows:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

However, for the year 1998, the quantity available for group ACP2 shall amount to 500 tonnes and the quantity available for group ACP3 shall amount to 250 tonnes.

Article 3

1. Applicants for the import licences for products referred to in the third subparagraph of Article 1 shall be natural or legal persons who, at the time when applications are submitted, can prove to the satisfaction of the competent authorities of the Member States that they have been active in trade with third countries in the pigmeat sector for at least the preceding 12 months; however, retail establishments or restaurants selling their products to final consumers shall be excluded from this system.

2. The licence application may mention only one of the group numbers defined in Annex I hereto; it may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in Section 16 and their description in Section 15 of the licences application.

The application must be for a minimum of one tonne and a maximum of 100 % of the quantity available for the group concerned and the period as specified in Article 2.

3. Section 8 of the licence application and the licence shall indicate the country of origin; licences shall entail an obligation to import from the country indicated.

4. Section 20 of the licence application and the licence shall carry one of the following entries:

- Producto ACP — Reglamentos (CE) n° 1706/98 y (CE) n° 2562/98

- AVS-produkt — förordning (EF) nr. 1706/98 og (EF) nr. 2562/98
- AKP-Erzeugnis — Verordnungen (EG) Nr. 1706/98 und (EG) Nr. 2562/98
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΚ) αριθ. 1706/98 και (ΕΚ) αριθ. 2562/98
- ACP product — Regulations (EC) No 1706/98 and (EC) No 2562/98
- Produit ACP — règlements (CE) n° 1706/98 et (CE) n° 2562/98
- Prodotto ACP — regolamenti (CE) n. 1706/98 e (CE) n. 2562/98
- ACS-product — Verordeningen (EG) nr. 1706/98 en (EG) nr. 2562/98
- Produto ACP — Regulamentos (CE) n° 1706/98 e (CE) n° 2562/98
- AKT-tuote — asetukset (EY) N:o 1706/98 ja (EY) N:o 2562/98
- AVS-produkt — förordningarna (EG) nr 1706/98 och (EG) nr 2562/98.

5. Section 24 of the licence shall carry one of the following entries:

- Reducción del derecho de aduana en virtud del Reglamento (CE) n° 2562/98
- Nedsættelse af importafgiften jf. forordning (EF) nr. 2562/98
- Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 2562/98
- Μείωση του δασμού όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 2562/98
- Customs duty reduction as provided for in Regulation (EC) No 2562/98
- Réduction du droit de douane comme prévu au règlement (CE) n° 2562/98
- Riduzione del dazio doganale a norma del regolamento (CE) n. 2562/98
- Douanerecht verlaagd overeenkomstig Verordening (EG) nr. 2562/98
- Redução do direito aduaneiro conforme previsto no Regulamento (CE) n° 2562/98
- Tullialennus, josta on säädetty asetuksessa (EY) N:o 2562/98
- Nedsättning av tullavgiften enligt förordning (EG) nr 2562/98.

Article 4

1. Licence applications referred to in Article 3 may only be lodged during the first 10 days of each period specified in Article 2. However, licence applications for 1998 must be lodged during the period 1 to 10 December 1998.

2. Applications shall be invalid if the applicant does not declare in writing that he has not lodged and will not lodge, for the period in question, other applications for products of the same group in the Member State of lodgement or another Member State. If an applicant lodges more than one application for products of one group none of the applications shall be valid.

3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products of the group in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by group and the countries of origin.

All notifications, including notifications of nil applications, shall be made by telex or fax on the working day stipulated, using the model shown in Annex II in cases where no applications have been made, and the models shown in Annexes II and III in cases where applications have been made.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued as quickly as possible.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period for the same year.

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

Done at Brussels, 27 November 1998.

Article 5

Pursuant to Article 21(2) of Regulation (EEC) No 3719/88, import licences for the products referred to in the third subparagraph of Article 1 shall be valid for 150 days from the date of actual issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Importation under the arrangements for a reduction in import duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989.

Article 8

Regulation (EEC) No 3719/88 shall apply subject to the provisions of this Regulation.

Article 9

Regulation (EEC) No 904/90 is hereby repealed.

Article 10

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

It shall apply from 1 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Products referred to in Article 9(1) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)
	ACP1	0103 91 10 0103 92 11 0103 92 19 1501 00 11 1501 00 19 1602 10 00 1602 20 90 1602 41 10 1602 42 10 1602 49 ex 1602 90 10 1602 90 51 1902 20 30	16

Products referred to in Article 9(2) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)	Annual quantity (tonnes)
09.4029	ACP2	0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 ex 0203 19 55 ⁽¹⁾ 0203 19 59 0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 ex 0203 29 55 ⁽¹⁾ 0203 29 59 0206 30 21 0206 30 31 0206 41 91 0206 49 91 0209 00 11 0209 00 19 0209 00 30 0210 11 11 to 0210 11 39 0210 12 11 0210 12 19 0210 19 10 to 0210 19 89 0210 90 39	50	500

⁽¹⁾ With the exception of tenderloin presented alone

Products referred to in Article 9(3) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)	Annual quantity (tonnes)
09.4028	ACP3	1601 00	65	500

ANNEX II

Regulation (EC) No 2562/98 — ACP imports

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 — Pigmeat
Application for import licences	Date	Period
Member State: Sender: Contact: Telephone No: Fax No:		
To: DG VI/D/3 — Fax No: (32 2) 296 62 79; 296 12 27		
Group No	Quantity applied for	
ACP2		
ACP3		

ANNEX III

Regulation (EC) No 2562/98 — ACP imports

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/3 — Pigmeat

Application for import licences	Date	Period
Member State:		

(tonnes)

Group No	CN code	Applicant (name and address)	Quantity	Country of origin
ACP2				
		Total		

(tonnes)

Group No	CN code	Applicant (name and address)	Quantity	Country of origin
ACP3				
		Total		

COMMISSION REGULATION (EC) No 2563/98**of 27 November 1998****on a tendering procedure for the subsidy on consignments of husked long grain rice to Réunion**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 10(1) thereof,

Whereas Commission Regulation (EEC) No 2692/89 ⁽³⁾ lays down detailed rules for exports of rice to Réunion;

Whereas examination of the supply situation on the island of Réunion shows a shortage of rice; whereas, in view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on that market; whereas, because of the special situation of Réunion, it is appropriate to limit the quantities to be delivered and, therefore, to fix the amount of the subsidy by tendering procedure;

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. A tendering procedure is hereby opened for the subsidy for consignments of husked long grain rice falling within CN code 1006 20 98, referred to in Article 10(1) of Regulation (EC) No 3072/95, to Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 24 June 1999. During that period, weekly invitations to tender shall be made for which the date for submission of tenders shall be set out in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/87 and this Regulation.

Article 2

A tender shall be admissible only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7(3)(a) of Regulation (EEC) No 2692/89 shall be ECU 30 per tonne.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 261, 7. 9. 1989, p. 8.

Article 4

The subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the final day of the period for the submission of tenders.

Article 5

Tenders must reach the Commission via the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same deadline as that given in the proceeding paragraph.

Article 6

The time laid down for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance within the procedure laid down in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum subsidy,
- or not to take any action on the tenders.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall expire on 10 December 1998 at 10 a.m.

The final date for submission of tenders shall be 24 June 1999.

Article 9

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, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***Weekly invitation to tender for the subsidy for consignments of husked long grain rice to Réunion**

Deadline for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2564/98

of 27 November 1998

opening an invitation to tender for the refund on export of wholly milled round grain, medium grain and long grain A rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1998/99 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾;

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 refund on export of wholly milled round grain, medium grain and long grain A rice for Zones I to VI (except

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

⁽⁵⁾ OJ L 214, 30. 7. 1992, p. 20.

⁽⁶⁾ OJ L 341, 30. 12. 1994, p. 48.

Cyprus, the Czech Republic, Estonia, Hungary, Poland, Slovenia and Turkey) and for Zone VIII (except Guyana, Madagascar and Suriname), as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 24 June 1999. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

⁽⁷⁾ OJ L 331, 2. 12. 1988, p. 1.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

— either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,

— or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 10 December 1998.

The final date for submission of tenders is hereby fixed at 24 June 1999.

Article 9

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, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***Weekly invitation to tender for the refund on export of wholly milled round grain, medium grain
and long grain A rice to certain third countries**

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2565/98
of 27 November 1998

opening an invitation to tender for the refund on export of wholly milled round grain, medium grain and long grain A rice to certain European third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1998/99 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain countries;

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 refund on export of wholly milled round grain, medium grain and long grain A rice to Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

2. The invitation to tender referred to in paragraph 1 shall be open until 24 June 1999. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁵⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 10 December 1998.

The final date for submission of tenders is hereby fixed at 24 June 1999.

Article 9

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, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***Weekly invitation to tender for the refund on export of wholly milled round grain, medium grain
and long grain A rice to certain European third countries**

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in ecus per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2566/98

of 27 November 1998

opening an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1998/99 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the refund amount to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to certain zones specified in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁵⁾, as amended by Regulation (EC) No 3304/94 ⁽⁶⁾;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the refund on export of wholly milled long grain rice falling within CN code 1006 30 67 for Zones I to VI (except Turkey) and Zone VIII (except Guyana, Madagascar and

Suriname) as specified in the Annex to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 24 June 1999. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be admissible only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 30 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21(1) of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, export licences issued under this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the fourth month following that date.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the deadline for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same deadline as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

⁽⁵⁾ OJ L 214, 30. 7. 1992, p. 20.

⁽⁶⁾ OJ L 341, 30. 12. 1994, p. 48.

⁽⁷⁾ OJ L 331, 2. 12. 1988, p. 1.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The deadline for submission of tenders for the first partial invitation to tender shall be 10 a.m. on 10 December 1998.

The final date for submission of tenders is hereby fixed at 24 June 1999.

Article 9

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, 27 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***Weekly invitation to tender for the refund on export of wholly milled long grain rice to certain third countries**

Deadline for the submission of tenders (date/time)

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in ecus per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2567/98
of 27 November 1998
on the issuing of system B 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 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas Commission Regulation (EC) No 1875/98 ⁽³⁾, fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of hazelnuts in shell, walnuts in shell, lemons and table grapes;

Whereas as a consequence, for system B licences applied for between 16 September and 15 November 1998, a rate of refund which is lower than the indicative rate should

be fixed for hazelnuts in shell, walnuts in shell, lemons and table grapes,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 16 September and 15 November 1998, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multi-lateral trade negotiations.

Article 2

This Regulation shall enter into force on 28 November 1998.

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

Done at Brussels, 27 November 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 243, 2. 9. 1998, p. 3.

ANNEX

**Percentages for the issuing of licences and rates of refund applicable to system B licences applied
for between 16 September and 15 November 1998**

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (ECU/ tonne net)
Tomatoes	F	100 %	20,0
Shelled almonds	F	100 %	50,0
Hazelnuts in shell	F	100 %	55,1
Shelled hazelnuts	F	100 %	114,0
Walnuts in shell	F	100 %	42,5
Oranges	XYC	100 %	35,0
Lemons	F	100 %	26,1
Table grapes	F	100 %	24,7
Apples	X	100 %	25,0
	Y	100 %	7,0
	ZD	100 %	54,0
Peaches and nectarines	E	100 %	30,0

DIRECTIVE 98/84/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 November 1998

on the legal protection of services based on, or consisting of, conditional access

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 66 and 100a thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

- (1) Whereas the objectives of the Community as laid down in the Treaty include creating an ever closer union among the peoples of Europe and ensuring economic and social progress, by eliminating the barriers which divide them;
- (2) Whereas the cross-border provision of broadcasting and information society services may contribute, from the individual point of view, to the full effectiveness of freedom of expression as a fundamental right and, from the collective point of view, to the achievement of the objectives laid down in the Treaty;
- (3) Whereas the Treaty provides for the free movement of all services which are normally provided for remuneration; whereas this right, as applied to broadcasting and information society services, is also a specific manifestation in Community law of a more general principle, namely freedom of expression as enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; whereas that Article explicitly recognizes the right of citizens to receive and impart information regardless of frontiers and whereas any restriction of that right must be based on due consideration of other legitimate interests deserving of legal protection;

(4) Whereas the Commission undertook a wide-ranging consultation based on the Green Paper 'Legal Protection of Encrypted Services in the Internal Market'; whereas the results of that consultation confirmed the need for a Community legal instrument ensuring the legal protection of all those services whose remuneration relies on conditional access;

(5) Whereas the European Parliament, in its Resolution of 13 May 1997 on the Green Paper ⁽⁴⁾, called on the Commission to present a proposal for a Directive covering all encoded services in respect of which encoding is used to ensure payment of a fee, and agreed that this should include information society services provided at a distance by electronic means and at the individual request of a service receiver, as well as broadcasting services;

(6) Whereas the opportunities offered by digital technologies provide the potential for increasing consumer choice and contributing to cultural pluralism, by developing an even wider range of services within the meaning of Articles 59 and 60 of the Treaty; whereas the viability of those services will often depend on the use of conditional access in order to obtain the remuneration of the service provider; whereas, accordingly, the legal protection of service providers against illicit devices which allow access to these services free of charge seems necessary in order to ensure the economic viability of the services;

(7) Whereas the importance of this issue was recognized by the Commission Communication on 'A European Initiative in Electronic Commerce';

(8) Whereas, in accordance with Article 7a of the Treaty, the internal market is to comprise an area without internal frontiers in which the free movement of services and goods is ensured; whereas Article 128(4) of the Treaty requires the Community to take cultural aspects into account in its action under other provisions of the Treaty;

⁽¹⁾ OJ C 314, 16. 10. 1997, p. 7 and OJ C 203, 30. 6. 1998, p. 12.

⁽²⁾ OJ C 129, 27. 4. 1998, p. 16.

⁽³⁾ Opinion of the European Parliament of 30 April 1998 (OJ C 152, 18. 5. 1998, p. 59), Council Common Position of 29 June 1998 (OJ C 262, 19. 8. 1998, p. 34) and Decision of the European Parliament of 8 October 1998 (OJ C 328, 26. 10. 1998). Council Decision of 9 November 1998.

⁽⁴⁾ OJ C 167, 2. 6. 1997, p. 31.

whereas by virtue of Article 130(3) of the Treaty, the Community must, through the policies and activities it pursues, contribute to creating the conditions necessary for the competitiveness of its industry;

- (9) Whereas this Directive is without prejudice to possible future Community or national provisions meant to ensure that a number of broadcasting services, recognized as being of public interest, are not based on conditional access;
- (10) Whereas this Directive is without prejudice to the cultural aspects of any further Community action concerning new services;
- (11) Whereas the disparity between national rules concerning the legal protection of services based on, or consisting of, conditional access is liable to create obstacles to the free movement of services and goods;
- (12) Whereas the application of the Treaty is not sufficient to remove these internal market obstacles; whereas those obstacles should therefore be removed by providing for an equivalent level of protection between Member States; whereas this implies an approximation of the national rules relating to the commercial activities which concern illicit devices;
- (13) Whereas it seems necessary to ensure that Member States provide appropriate legal protection against the placing on the market, for direct or indirect financial gain, of an illicit device which enables or facilitates without authority the circumvention of any technological measures designed to protect the remuneration of a legally provided service;
- (14) Whereas those commercial activities which concern illicit devices include commercial communications covering all forms of advertising, direct marketing, sponsorship, sales promotion and public relations promoting such products and services;
- (15) Whereas those commercial activities are detrimental to consumers who are misled about the origin of illicit devices; whereas a high level of consumer protection is needed in order to fight against this kind of consumer fraud; whereas Article 129a(1) of the Treaty provides that the Community should contribute to the achievement of a high level of consumer protection by the measures it adopts pursuant to Article 100a thereof;
- (16) Whereas, therefore, the legal framework for the creation of a single audiovisual area laid down in Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities⁽¹⁾ should be supplemented with reference to conditional access techniques as laid down in this Directive, in order, not least, to ensure equal treatment of the suppliers of cross-border broadcasts, regardless of their place of establishment;
- (17) Whereas, in accordance with the Council Resolution of 29 June 1995 on the effective uniform application of Community law and on the penalties applicable for breaches of Community law in the internal market⁽²⁾, Member States are required to take action to ensure that Community law is duly applied with the same effectiveness and thoroughness as national law;
- (18) Whereas, in accordance with Article 5 of the Treaty, Member States are required to take all appropriate measures to guarantee the application and effectiveness of Community law, in particular by ensuring that the sanctions chosen are effective, dissuasive and proportionate and the remedies appropriate;
- (19) Whereas the approximation of the laws, regulations and administrative provisions of the Member States should be limited to what is needed in order to achieve the objectives of the internal market, in accordance with the principle of proportionality as set out in the third paragraph of Article 3b of the Treaty;
- (20) Whereas the distribution of illicit devices includes transfer by any means and putting such devices on the market for circulation inside or outside the Community;
- (21) Whereas this Directive is without prejudice to the application of any national provisions which may prohibit the private possession of illicit devices, to the application of Community competition rules and to the application of Community rules concerning intellectual property rights;
- (22) Whereas national law concerning sanctions and remedies for infringing commercial activities may provide that the activities have to be carried out in the knowledge or with reasonable grounds for knowing that the devices in question were illicit;

⁽¹⁾ OJ L 298, 17. 10. 1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30. 7. 1997, p. 60).

⁽²⁾ OJ C 188, 22. 7. 1995, p. 1.

- (23) Whereas the sanctions and remedies provided for under this Directive are without prejudice to any other sanction or remedy for which provision may be made under national law, such as preventive measures in general or seizure of illicit devices; whereas Member States are not obliged to provide criminal sanctions for infringing activities covered by this Directive; whereas Member States' provisions for actions for damages are to be in conformity with their national legislative and judicial systems;
- (24) Whereas this Directive is without prejudice to the application of national rules which do not fall within the field herein coordinated, such as those adopted for the protection of minors, including those in compliance with Directive 89/552/EEC, or national provisions concerned with public policy or public security,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

The objective of this Directive is to approximate provisions in the Member States concerning measures against illicit devices which give unauthorised access to protected services.

Article 2

Definitions

For the purposes of this Directive:

- (a) *protected service* shall mean any of the following services, where provided against remuneration and on the basis of conditional access:
- television broadcasting, as defined in Article 1(a) of Directive 89/552/EEC,
 - radio broadcasting, meaning any transmission by wire or over the air, including by satellite, of radio programmes intended for reception by the public,
 - information society services within the meaning of Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services ⁽¹⁾,
- or the provision of conditional access to the above services considered as a service in its own right;

⁽¹⁾ OJ L 204, 21. 7. 1998, p. 37. Directive as amended by Directive 98/48/EC (OJ L 217, 5. 8. 1998, p. 18).

- (b) *conditional access* shall mean any technical measure and/or arrangement whereby access to the protected service in an intelligible form is made conditional upon prior individual authorisation;
- (c) *conditional access device* shall mean any equipment or software designed or adapted to give access to a protected service in an intelligible form;
- (d) *associated service* shall mean the installation, maintenance or replacement of conditional access devices, as well as the provision of commercial communication services in relation to them or to protected services;
- (e) *illicit device* shall mean any equipment or software designed or adapted to give access to a protected service in an intelligible form without the authorisation of the service provider;
- (f) *field coordinated by this Directive* shall mean any provision relating to the infringing activities specified in Article 4.

Article 3

Internal market principles

1. Each Member State shall take the measures necessary to prohibit on its territory the activities listed in Article 4, and to provide for the sanctions and remedies laid down in Article 5.
2. Without prejudice to paragraph 1, Member States may not:
 - (a) restrict the provision of protected services, or associated services, which originate in another Member State; or
 - (b) restrict the free movement of conditional access devices;for reasons falling within the field coordinated by this Directive.

Article 4

Infringing activities

Member States shall prohibit on their territory all of the following activities:

- (a) the manufacture, import, distribution, sale, rental or possession for commercial purposes of illicit devices;
- (b) the installation, maintenance or replacement for commercial purposes of an illicit device;
- (c) the use of commercial communications to promote illicit devices.

*Article 5***Sanctions and remedies**

1. The sanctions shall be effective, dissuasive and proportionate to the potential impact of the infringing activity.
2. Member States shall take the necessary measures to ensure that providers of protected services whose interests are affected by an infringing activity as specified in Article 4, carried out on their territory, have access to appropriate remedies, including bringing an action for damages and obtaining an injunction or other preventive measure, and where appropriate, applying for disposal outside commercial channels of illicit devices.

*Article 6***Implementation**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 28 May 2000. They shall notify them to the Commission forthwith.

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

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

*Article 7***Reports**

Not later than three years after the entry into force of this Directive, and every two years thereafter, the Commission shall present a report to the European Parliament, the Council and the Economic and Social Committee concerning the implementation of this Directive accompanied, where appropriate, by proposals, in particular as regards the definitions under Article 2, for adapting it in light of technical and economic developments and of the consultations carried out by the Commission.

*Article 8***Entry into force**

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

*Article 9***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 20 November 1998.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

E. HOSTASCH

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 November 1998

concerning exchange rate matters relating to the CFA Franc and the Comorian Franc

(98/683/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 109(3) thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

- (1) Whereas according to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽²⁾, the euro will be substituted as from 1 January 1999 for the currency of each participating Member State at the conversion rate;
- (2) Whereas the Community will have the competence for monetary and exchange rate matters in the Member States adopting the euro as from the same date;
- (3) Whereas the Council is to determine the appropriate arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matters;
- (4) Whereas France has concluded several agreements with the UEMOA (Union économique et monétaire ouest-africaine), the CEMAC (Communauté économique et monétaire de l'Afrique Centrale)

and the Comores which are intended to guarantee the convertibility of the CFA and Comorian francs into the French franc at a fixed parity ⁽³⁾;

- (5) Whereas the euro will be substituted for the French franc on 1 January 1999;
- (6) Whereas the convertibility of the CFA and Comorian francs is guaranteed by a budgetary commitment of the French authorities; whereas the French authorities have given the assurance that the agreements with the UEMOA, the CEMAC and with the Comores have no substantial financial implications for France;
- (7) Whereas these agreements are unlikely to have any material effect on the monetary and exchange rate policy of the euro area; whereas in their present form and state of implementation these agreements are therefore unlikely to present any obstacle to a

⁽¹⁾ Opinion of 23 September 1998 (not yet published in the Official Journal).

⁽²⁾ OJ L 139, 11. 5. 1998, p. 1.

⁽³⁾ Convention de coopération monétaire du 23 novembre 1972 entre les États membres de la Banque des États de l'Afrique centrale (BEAC) et la République française, as amended; Convention de compte d'opérations du 13 mars 1973 entre le ministre de l'Économie et des Finances de la République Française et le Président du Conseil de l'administration de la Banque des États de l'Afrique Centrale, as amended; Accord de coopération du 4 décembre 1973 entre la République française et les Républiques membres de l'union monétaire ouest-africaine, as amended; Convention de compte d'opérations du 4 décembre 1973 entre le ministre de l'Économie et des Finances de la République Française et le Président du conseil des ministres de l'Union monétaire ouest-africaine, as amended; Accord de coopération monétaire du 23 novembre 1979 entre la République française et la République fédérale islamique des Comores, as amended; Convention de compte d'opérations du 23 novembre 1979 entre le ministre de l'Économie et des Finances de la République Française et le ministre des Finances, de l'Économie et du Plan de la République fédérale des Comores, as amended.

smooth functioning of economic and monetary union; whereas nothing in these agreements can be construed as implying an obligation for the European Central Bank or any national central bank to support the convertibility of the CFA or Comorian franc; whereas modifications to the existing agreements will not lead to any obligations for the European Central or any national central bank;

- (8) Whereas France and the African signatories to the agreements are willing to continue the present agreements after the substitution of the euro for the French franc; whereas it is appropriate that France may continue the present agreements after the substitution of the euro for the French franc and that France and the African signatories to the agreements implement them under their sole responsibility;
- (9) Whereas it is necessary for the Community to be informed on a regular basis about the implementation and envisaged modifications of the agreements;
- (10) Whereas the modification or implementation of existing agreements will be without prejudice to the primary objective of the Community's exchange-rate policy to maintain price stability, in accordance with Article 3a(2) of the Treaty;
- (11) Whereas it is necessary to involve the competent Community bodies before making any changes to the nature or scope of the present agreements; whereas this applies to the membership of the agreements and to the principle of free convertibility at a fixed parity between the euro and the CFA and Comorian francs, convertibility being guaranteed by a budgetary commitment of the French Treasury;
- (12) Whereas the decision does not establish a precedent with respect to any arrangements that may be decided in the future with respect to the negotiation and conclusion of similar agreements concerning monetary or foreign exchange regime matters by the Community with other States or international organisations;
- (13) Whereas, without prejudice to Community competence and Community agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude international agreements,

HAS ADOPTED THIS DECISION:

Article 1

Upon the substitution of the euro for the French franc, France may continue its present agreements concerning exchange rate matters with the UEMOA (Union écono-

mique et monétaire ouest-africaine), the CEMAC (Communauté économique et monétaire de l'Afrique Centrale) and the Comores.

Article 2

France and the African signatories to the agreements shall retain sole responsibility for the implementation of these agreements.

Article 3

The competent French authorities shall keep the Commission, the European Central Bank and the Economic and Financial Committee informed on a regular basis about the implementation of the agreements. The French authorities shall inform the Economic and Financial Committee prior to changes of the parity between the euro and the CFA or Comorian franc.

Article 4

France may negotiate and conclude modifications to the present agreements to the extent that the nature or scope of the agreements are not changed. It shall inform in advance the Commission, the European Central Bank and the Economic and Financial Committee of such changes.

Article 5

Any plans to change the nature or scope of these agreements shall be submitted by France to the Commission, the European Central Bank and the Economic and Financial Committee. Such plans require the approval of the Council on the basis of a recommendation from the Commission and after consultation of the European Central Bank.

Article 6

This Decision shall apply as from 1 January 1999.

Article 7

This Decision is addressed to the French Republic.

Done at Brussels, 23 November 1998.

For the Council

The President

R. EDLINGER

COMMISSION

COMMISSION DECISION

of 17 November 1998

exempting imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93

(notified under document number C(1998) 3529)

(98/684/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

**A. REQUESTS PURSUANT TO ARTICLE 3 OF
REGULATION (EC) No 88/97**

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered pursuant to Regulation (EC) No 703/96⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Regulation (EC) No 71/97 of the anti-dumping duty imposed by Regulation (EEC) No 2474/93⁽⁴⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of Regulation (EC) No 88/97 a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the extension to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (hereinafter referred to as 'the extended anti-dumping duty') of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of China by Regulation (EEC) No 2474/93. The Commission published in the *Official Journal of the European Communities* a list of applicants⁽⁵⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of that Regulation.
- (2) The Commission requested and received the necessary information from the parties listed in the Annex to this Decision and found their requests admissible pursuant to Article 4(1) of Regulation (EC) No 88/97. The information provided was examined and verified where necessary at the premises of the parties concerned.
- (3) The facts as finally ascertained by the Commission show that the assembly operations of the applicants concerned do not fall within the scope of Article 13(2) of Regulation (EC) No 384/96. It was found

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 16, 18. 1. 1997, p. 55.

⁽⁴⁾ OJ L 17, 21. 1. 1997, p. 17.

⁽⁵⁾ OJ C 45, 13. 2. 1997, p. 3;

OJ C 112, 10. 4. 1997, p. 9;

OJ C 378, 13. 12. 1997, p. 2 and

OJ C 217, 11. 7. 1998, p. 9.

that for all the applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations. In addition, for some of them, the value added to the parts brought in exceeded 25 % of the manufacturing costs of the finished bicycles.

- (4) For the above reasons, and in accordance with Article 7(1) of Regulation (EC) No 88/97, the parties listed in the Annex to this Decision should be exempted from the extended anti-dumping duty. The parties concerned were informed accordingly and given an opportunity to comment.
- (5) In accordance with Article 7(2) of Regulation (EC) No 88/97 the parties listed in the Annex to this Decision should be exempted from the extended anti-dumping duty as from the date of receipt of their request and their customs debt in respect of the extended anti-dumping duty is to be considered void as from that date.

B. INFORMATION TO INTERESTED PARTIES

- (6) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of Regulation (EC) No 88/97 and of parties whose requests pursuant to Article 3 of that Regulation are under examination will be published in the 'C' series of the *Official Journal of the Euro-*

pean Communities in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed in the Annex to this Decision are hereby exempted from the extension by Regulation (EC) No 71/97, of the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China, to imports of certain bicycle parts from the People's Republic of China.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

Article 2

This Decision is addressed to the Member States and to the parties listed in the Annex to this Decision.

Done at Brussels, 17 November 1998.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

EXEMPTED PARTIES

Name	City	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	Taric additional codes
FIB srl	I-60032 Castelpiano	Italy	Article 5	18. 7. 1997	8327
Rabeneick GmbH	D-26135 Oldenburg	Germany	Article 5	6. 1. 1998	8489
Planet'Fun SA	F-17180 Perigny	France	Article 5	12. 2. 1998	8767
Cyclopodilatiki SA	GR-54627 Thessaloniki	Greece	Article 5	9. 2. 1998	8768
Cicli Regina di Romagna snc	I-47023 Cesena (FO)	Italy	Article 5	27. 2. 1998	8005
Pending Systems GmbH	D-95679 Waldershof	Germany	Article 5	16. 3. 1998	8490
Thompson SA	B-7860 Lessines	Belgium	Article 5	22. 4. 1998	8491
Lew Ways Ltd	UK-WS11 3NB Cannock	United Kingdom	Article 5	2. 6. 1998	8492
Aurora srl	I-Vittorio Veneto (TV)	Italy	Article 5	5. 6. 1998	8033
Olmo Giuseppe SpA	I-17015 Celle Ligure (SV)	Italy	Article 5	6. 7. 1998	8981