

English edition

Legislation

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Notice to readers (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

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

JOINT ACTION

of 21 December 1998

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union⁽¹⁾

(98/733/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the report of the high-level group on organised crime, approved by the Amsterdam European Council on 16 and 17 June 1997, and in particular Recommendation No 17 of the action plan,

Whereas the Council considers that the seriousness and development of certain forms of organised crime require strengthening of cooperation between the Member States of the European Union, particularly as regards the following offences: drug trafficking, trafficking in human beings, terrorism, trafficking in works of art, money laundering, serious economic crime, extortion and other acts of violence against the life, physical integrity or liberty of a person, or creating a collective danger for persons;

Whereas, in order to respond to the various threats with which Member States are confronted, a common approach to participation in the activities of criminal organisations is necessary;

Whereas Member States will endeavour, when implementing this joint action, to apply or facilitate the measures relating to the protection of witnesses and/or individuals who cooperate with the judicial process in the fight against international organised crime set out in the Council resolutions of 23 November 1995⁽²⁾ and 20 December 1996⁽³⁾;

Reiterating its confidence in the structure and functioning of the legal systems of the Member States and in their ability to guarantee a fair trial;

Whereas Member States intend to ensure that those who take part in the activities of criminal organisations do not escape investigation and prosecution in connection with

the offences covered by this joint action; to that end, Member States will facilitate cooperation with the judicial process in the investigation and prosecution of such offences;

Recalling that the European Union respects the fundamental rights as described in the European Convention for the Protection of Human Rights and Fundamental Freedoms, of which all Member States are parties, and in particular the provisions relating to freedom of expression, peaceful assembly and freedom of association;

Having examined the views of the European Parliament after consultation in accordance with Article K.6 of the Treaty⁽⁴⁾,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Within the meaning of this joint action, a criminal organisation shall mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities.

The offences referred to in the first subparagraph include those mentioned in Article 2 of the Europol Convention and in the Annex thereto and carrying a sentence at least equivalent to that provided for in the first subparagraph.

⁽¹⁾ Parliamentary scrutiny reservation from the Belgian delegation.

⁽²⁾ OJ C 327, 7. 12. 1995, p. 5.

⁽³⁾ OJ C 10, 11. 1. 1997, p. 1.

⁽⁴⁾ Opinion delivered on 20 November 1997.

Article 2

1. To assist the fight against criminal organisations, each Member State shall undertake, in accordance with the procedure laid down in Article 6, to ensure that one or both of the types of conduct described below are punishable by effective, proportionate and dissuasive criminal penalties:

(a) conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in:

— the organisation's criminal activities falling within Article 1, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences concerned are not actually committed,

— the organisation's other activities in the further knowledge that his participation will contribute to the achievement of the organisation's criminal activities falling within Article 1;

(b) conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of offences falling within Article 1, even if that person does not take part in the actual execution of the activity.

2. Irrespective of whether they have elected to make the type of conduct referred to in paragraph 1(a) or (b) a criminal offence, Member States will afford one another the most comprehensive assistance possible in respect of the offences covered by this Article, as well as those offences covered by Article 3(4) of the Convention relating to extradition between the Member States of the European Union, drawn up by the Council on 27 September 1996.

Article 3

Each Member State shall ensure that legal persons may be held criminally or, failing that, otherwise liable for offences falling within Article 2(1) which are committed by that legal person, in accordance with procedures to be laid down in national law. Such liability of the legal person shall be without prejudice to the criminal liability of the natural persons who were the perpetrators of the offences or their accomplices. Each Member State shall ensure, in particular, that legal persons may be penalised in an effective, proportionate and dissuasive manner and that material and economic sanctions may be imposed on them.

Article 4

Each Member State shall ensure that the types of conduct referred to in Article 2(1)(a) or (b) which take place in its territory are subject to prosecution wherever in the territory of the Member States the organisation is based or pursues its criminal activities, or wherever the activity covered by the agreement referred to in Article 2(1)(b) takes place.

Where several Member States have jurisdiction in respect of acts of participation in a criminal organisation, they shall consult one another with a view to coordinating their action in order to prosecute effectively, taking account, in particular, of the location of the organisation's different components in the territory of the Member States concerned.

Article 5

1. In cases where the Convention relating to extradition between the Member States of the European Union, drawn up by the Council on 27 September 1996, applies, this joint action shall not affect in any manner whatsoever the obligations under the Convention or the interpretation thereof.

2. Nothing in this joint action shall prevent a Member State from making punishable conduct in relation to a criminal organisation which is of broader scope than that defined in Article 2(1).

Article 6

During the year following the entry into force of this joint action, appropriate proposals for implementing it shall be submitted by each Member State for consideration by the competent authorities with a view to their adoption.

Article 7

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

Article 8

This Joint Action shall be published in the Official Journal.

Done at Brussels, 21 December 1998.

For the Council

The President

M. BARTENSTEIN

Council declaration

The Council will assess between now and the end of December 1999 Member States' compliance with their obligations under this joint action, with particular reference to implementation of Article 2 thereof. It may then decide to continue this assessment on a regular basis.

To that end, the Council will receive a report, based on the information provided by Member States, in accordance with the assessment mechanism adopted by the Council on 5 December 1997, which will:

- describe progress in implementing this joint action,
- outline the national measures applied under this joint action, and, in particular, consider practices used in prosecuting the offences covered by it,
- consider any measure needed to achieve more effective judicial cooperation on the offences covered by this joint action, by examining *inter alia* time limits for judicial cooperation and whether the double criminality condition contained in national legislation hampers judicial cooperation between Member States,
- explain, where appropriate, why implementation of this joint action has been delayed.

Declaration by the Austrian delegation re Article 3

Austria refers to the possibility afforded it in Article 18(2) of the second Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19.7.1997, p. 11) not to be bound by Articles 3 and 4 of that Protocol for five years, and hereby states that it will fulfil its obligations under Article 3 of the joint action within the same period.

Declaration by the Danish delegation re Article 3

Denmark states that it does not intend to extend the applicable Danish rules on criminal liability in the case of legal persons in order to implement Article 3.

Declaration by the German delegation re Article 4(2)

Germany assumes that, in the consultations provided for in the second subparagraph of Article 4, due account will be taken of the main focus, i.e. area of operation, of the criminal organisation or a component thereof.

Statement by the Belgian delegation on Article 1

The Belgian delegation considers that the definition of 'criminal organisation' given in Article 1 includes the *modi operandi* used by the perpetrators of the offence. The *modi operandi* cover the use of intimidation, threats, violence, fraudulent manipulation or corruption or the use of commercial or other structures to dissimulate or facilitate the perpetration of offences.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2821/98

of 17 December 1998

**amending, as regards withdrawal of the authorisation of certain antibiotics,
Directive 70/524/EEC concerning additives in feedingstuffs**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1994 Act of Accession, and in particular Article 151 in conjunction with Annex XV, Title VII(E)(4) thereof,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to the proposal from the Commission,

(1) Whereas the Kingdom of Sweden was authorised under Annex XV to the Act of Accession to maintain its legislation in force before accession until 31 December 1998 with regard to the prohibition of the use in feedingstuffs of additives belonging to the groups of antibiotics; whereas on 2 February 1998 Sweden submitted applications for adjustments accompanied by detailed scientific grounds for the antibiotics avilamycin, bacitracin zinc, flavo-phospholipol, ardacin and avoparcin, spiramycin, tylosin phosphate and virginiamycin; whereas the Commission is required to take a decision on the adjustment applications submitted by Sweden not later than 31 December 1998;

(2) Whereas, under Article 11 of Directive 70/524/EEC, a Member State which, as a result of new information or of a reassessment of existing information made since the provisions in question were adopted, has detailed grounds for establishing that the use of one of the additives listed in the Directive constitutes a danger to animal or human health or the environment may temporarily suspend the authorisation to use that additive;

(3) Whereas the Republic of Finland, after expiry of the derogation granted to it under the Act of Accession, prohibited the use on its territory of tylosin phosphate and spiramycin in feedingstuffs from 1 January 1998 on the basis of the detailed grounds it had submitted on 12 March 1997 under the obligations laid down in the Act of Accession;

(4) Whereas on 15 January 1998 the Kingdom of Denmark prohibited the use on its territory of virginiamycin in feedingstuffs; whereas it communicated the detailed grounds for that decision to the other Member States and the Commission on 13 March 1998 and 1 April 1998;

(5) Whereas, by virtue of Article 3a(e) of Directive 70/524/EEC, authorisation of an additive is not to be given if, for serious reasons concerning human or animal health, its use must be restricted to medical or veterinary purposes;

(6) Whereas the authorisation of the glycopeptide avoparcin was withdrawn on 30 January 1997⁽²⁾ as an interim protective measure taken as a precaution; whereas that prohibition has to be reviewed by the Commission not later than 31 December 1998, on the basis of the results of the various investigations concerning the development of resistance by the use of antibiotics, in particular glycopeptides, and the programme of surveillance of antimicrobial resistance in animals which have received antibiotics, to be carried out in particular by the persons responsible for putting the additives concerned into circulation; whereas, since the Commission has received no new information to date, there is no reason for the prohibition to be reviewed;

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Directive 98/19/EC (OJ L 96, 28.3.1998, p. 39).

⁽²⁾ Commission Directive 97/6/EC of 30 January 1997 amending Council Directive 70/524/EEC concerning additives in feedingstuffs (OJ L 35, 5.2.1997, p. 11).

- (7) Whereas it was also decided as a precaution on 12 January 1998⁽¹⁾ not to renew the authorisation of another glycopeptide, ardacin, until the results of research still to be carried out on avoparcin were available;
- (8) Whereas the Commission consulted the Scientific Committee on Animal Nutrition (SCAN) on whether the use of tylosin phosphate and spiramycin should for serious reasons concerning animal or human health be restricted to veterinary medicine; whereas after examining the Finnish grounds for prohibiting the said macrolides as feed additives, the Committee stated in its opinion of 5 February 1998 that the data presented did not provide sufficient evidence that the use of macrolides as feed additives presented a significant risk to human or animal health and that, in the absence of sufficient research data on the epidemiology and spread of macrolide resistance, there was no reason for a ban on the use of the substances in question as additives;
- (9) Whereas SCAN acknowledges, however, that the wider use of macrolides as feed additives in the long run will contribute to the overall selective pressure for resistant bacteria to a significantly larger extent than would result from the use of macrolides for veterinary therapy alone; whereas SCAN acknowledges the probability that resistant enterococci or *erm*-resistance genes will be transferred from animals to humans will be higher, the higher the prevalence of resistant enterococci in animals is; whereas SCAN is of the opinion that the possibility that an increase in the resistance pool at animal level might pose risks to humans has been neither proven nor disproved, but that such a risk might be expected to be demonstrated;
- (10) Whereas SCAN also notes that tylosin-resistant enterococci isolated from pigs are almost all simultaneously resistant to erythromycin, an important macrolide antibiotic in human medicine notably in the treatment of respiratory infections; whereas it finds that, even if cross-resistance to lincosamides and streptogramins has not been tested in Finland, macrolide resistance in enterococci is, according to the literature, often or mostly encoded for by different *erm*-genes also conferring resistance to lincosamides and streptogramin B; whereas there is a clinical problem in human medicine if the enterococci resistant to macrolides include also a major resistance to streptogramin B; whereas two lincosamides are in clinical use in human medicine, namely lincomycin and clindamycin; whereas two streptogramins are clinically important in human medicine in the treatment of last resort of vancomycin resistant enterococci, namely pristinamycin and the combination dalfopristin/quinupristin;
- (11) Whereas SCAN also notes that some experiments on mice have shown that *in vivo* transfer of erythromycin resistance from enterococci to other bacteria is possible; whereas it also specifies that erythromycin-resistant animal enterococci may colonise humans for a longer or shorter time period or may transfer their macrolide-resistance genes to the resident bacterial flora of humans, notably to human bacteria such as staphylococci or group A streptococci, which would constitute a clinical problem in human medicine, either directly after ingestion or via gene exchange in the environment, but that the frequencies of such transfers cannot be estimated;
- (12) Whereas, in the light of the various abovementioned factors, the Commission, for its part, takes the view that there are sufficient grounds for a ban; whereas the risk of reducing the effectiveness of human medicinal products such as erythromycin in particular and possibly lincomycin, clindamycin, pristinamycin and the new combination dalfopristin/quinupristin, which is due to be authorised as a human medicinal product shortly, as a result of selection of cross-resistance caused by tylosin phosphate and spiramycin, should be avoided;
- (13) Whereas, moreover, spiramycin is used in human medicine and whereas therefore the resistances selected by the use of spiramycin as an additive increase the pool of spiramycin-resistance which could be transferred from animals to humans and thus make spiramycin less effective in human medicine;
- (14) Whereas the Commission consulted SCAN on whether or not streptogramin-resistant *E. faecium* and staphylococci selected by the use of virginiamycin as a growth promoter constituted a public health risk at present or could constitute such a risk if streptogramins took a pivotal role for treatment of serious human infections in the future;
- (15) Whereas after examining the grounds put forward, the Committee concluded in its opinion of 10 July 1998 that the use of virginiamycin as a growth promoter did not constitute a real immediate risk

⁽¹⁾ Commission Directive 97/72/EC of 15 December 1997 amending Council Directive 70/524/EEC concerning additives in feedingstuffs (OJ L 351, 23.12.1997, p. 55).

- to public health in Denmark since Denmark had provided no new evidence to substantiate the transfer of streptogramin resistance from organisms of animal origin to those resident in the human digestive tract, which would compromise the future use of human medicinal products; whereas it stresses that there is currently no need for streptogramins in Denmark as the existing therapeutic treatments for treating enterococci and staphylococci infections are still effective there;
- (16) Whereas, none the less, SCAN acknowledges that a reservoir of resistant genes within the animal population poses a potential risk for humans; whereas, contrary to the Commission, it is of the opinion that a full risk assessment cannot be made until, in particular, quantitative evidence of the extent of transfer of antimicrobial resistance from livestock sources is obtained;
- (17) Whereas SCAN is also concerned about the development of vancomycin resistance amongst enterococci and methicillin-resistant strains of *Staphylococcus aureus*, which are increasingly responsible for nosocomial infections, particularly in the United States and southern Europe; whereas that could make it necessary to use streptogramins as therapeutic agents of last resort to treat germs which have developed resistance to other antibiotics;
- (18) Whereas, furthermore, SCAN notes in its opinion that the virginiamycin-resistant enterococci and staphylococci isolated from poultry and pigs all had cross-resistance to pristinamycin used in human medicine or the combination dalfopristin/quinupristin, which is due to be authorised as a human medicinal product shortly;
- (19) Whereas SCAN also indicates that transfer of the *sat A* gene conferring resistance to virginiamycin occurs *in vitro* between isogenic strains of *Enterococcus faecium*; whereas virginiamycin-resistant *E. faecium* were detected in 22 % of food originating from pigs and in 54 % of that originating from poultry; whereas there are genetic factors for virginiamycin resistance existing within the human population, although it is not known how widespread they are; whereas two strains of *E. faecium* resistant to virginiamycin and pristinamycin, one isolated from a Dutch farmer and the other from his poultry, have the same genetic fingerprint; whereas even if general conclusions about the transfer of resistant enterococci from animals to humans should not be drawn from a single case, the Commission sees it as an indication that this might be confirmed by other cases in the future;
- (20) Whereas, after the SCAN opinion, Denmark produced major fresh evidence in August 1998 demonstrating a transfer *in vivo* under experimental conditions in the gastro-intestinal tract of rats of the *sat A* gene, via a plasmid, between isogenic strains of *E. faecium*;
- (21) Whereas, in the light of the foregoing, the Commission, for its part, takes the view that the risk of reducing the effectiveness of human medicinal products such as pristinamycin and the new combination dalfopristin/quinupristin, which is due to be authorised shortly as a human medicinal product, as a result of cross-resistance caused by virginiamycin should be avoided;
- (22) Whereas bacitracin zinc, a cyclic polypeptide, is also used in human medicine mainly for topical treatment of infections of the skin and mucosal surfaces; whereas publications show that it could possibly be used for the treatment of vancomycin resistant enterococci, which represent a clinical problem in human medicine; whereas selected resistances from the use of bacitracin zinc as a feed additive inevitably increase the reservoir of resistances to bacitracin zinc; whereas the percentage of *Enterococcus faecium* resistant to bacitracin zinc is higher in chickens which have received bacitracin zinc than in chickens which have not received it; whereas these resistances could be transferred from animals to humans and reduce the effectiveness of bacitracin zinc used as a human medicinal product; whereas the effectiveness of bacitracin zinc in human medicine should therefore be preserved;
- (23) Whereas according to the conclusions of the World Health Organisation conference held in Berlin in October 1997, the Economic and Social Committee of the European Union, the International Office of Epizootics and the conference on antibiotic resistance held in Copenhagen in September 1998, antibiotic resistance must henceforth be regarded as a major, complex problem of international dimensions; whereas, in the sense of the recommendations arising from these conferences, it is desirable to set up a system of general surveillance of antimicrobial resistance resulting from the use of antibiotics; whereas, furthermore, the phenomena of resistance encountered not only in hospitals but also in the general population should be addressed;
- (24) Whereas medicinal products belonging to new classes of antibiotics are not ready to be approved in the immediate future; whereas it is therefore imperative to preserve the effectiveness of those human medicinal products which are still effective;

- (25) Whereas one of the ways of achieving that aim, along with others relating to use of human medicinal products, is not to increase the reservoir of resistances in animals, especially where such resistances could be transferred to humans, thereby reducing the effectiveness of human medicinal products; whereas numerous scientific data demonstrate such a transfer not only for the organisms responsible for zoonoses but also for commensals;
- (26) Whereas one of the ways of preventing such a phenomenon, which originates in the use in livestock farming of antibiotics administered either as a veterinary medicinal product or as a feed additive, is no longer to authorise the use of antibiotics authorised as human medicinal products or known to select cross-resistance to antibiotics used in human medicine as additives, restricting the use of such substances for fundamental reasons to human medicine;
- (27) Whereas, for the sake of protecting human health, the authorisations for the antibiotics bacitracin zinc, spiramycin, virginiamycin and tylosin phosphate should be withdrawn;
- (28) Whereas, on the basis of current scientific and technical knowledge, it would appear, however, that the evidence presented by the Kingdom of Sweden does not justify withdrawal of the authorisations for the antibiotics monensin sodium and salinomycin sodium, of the ionophore group, since no ionophore is to date used in veterinary or human medicine and the two substances, in the current state of knowledge, do not select cross-resistance to antibiotics used in human or veterinary medicine;
- (29) Whereas the prohibition on the use of the antibiotics bacitracin zinc, spiramycin, virginiamycin and tylosin phosphate ought to be perceived as an interim protective measure taken as a precaution, which could be reconsidered in the light of the investigations which will have been carried out and of the established surveillance programme;
- (30) Whereas, on the basis of current scientific and technical knowledge, it would also appear that the evidence presented by the Kingdom of Sweden does not justify a ban on the antibiotic flavophospholipol of the phosphoglycopeptide group since no substance belonging to the same group is to date used in veterinary or human medicine and flavophospholipol, in the current state of knowledge, does not select cross-resistance to antibiotics used in human or veterinary medicine;
- (31) Whereas, on the basis of current scientific and technical knowledge it would appear that the evidence presented by the Kingdom of Sweden does not justify a ban on the antibiotic avilamycin, belonging to the group of orthosomycins, since no substance belonging to that group is to date used in human medicine; whereas that decision will be reviewed in the light of additional studies to be supplied by the person responsible for the entry into circulation of avilamycin, concerning the mechanisms of resistance, the development of resistance in certain micro-organisms and in particular *Enterococcus faecium*, and any cross-resistance to everninomycin, which is currently under development with a view to future approval for use in human medicine or to other substances used in human medicine having the same site of action as avilamycin;
- (32) Whereas the maintenance of the authorisations for monensin sodium, salinomycin sodium, flavophospholipol and avilamycin will have to be reviewed in the light of the results of the work on antimicrobial resistance carried out by the working group set up by the Scientific Steering Committee;
- (33) Whereas after 31 December 1998 the Kingdom of Sweden is required to apply the Community legislation on feed additives in its entirety;
- (34) Whereas a transitional period to comply with the provisions of this Regulation is necessary in the Member States where one or more of the additives referred to in Article 1 are authorised at present;
- (35) Whereas, in the absence of an opinion of the Standing Committee on Feedingstuffs, the Commission has been unable to adopt the provisions envisaged under the procedures laid down in Articles 23 and 24 of Directive 70/524/EEC,

HAS ADOPTED THIS REGULATION:

Article 1

The entries in Annex B to Directive 70/524/EEC for the following antibiotics shall be deleted:

- bacitracin zinc,
- spiramycin,
- virginiamycin,
- tylosin phosphate.

Article 2

The Commission shall reexamine the provisions of this Regulation before 31 December 2000 on the basis of the results given by

- the different investigations concerning the induction of resistances by the use of the antibiotics concerned, and
- the surveillance programme of microbial resistance in animals which have received antibiotics, to be carried out in particular by the persons responsible for putting the additives concerned into circulation.

Article 3

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 January 1999.

However, where, on the date on which this Regulation enters into force, a Member State has not banned, in accordance with Community law, one or more of the antibiotics referred to in Article 1 of this Regulation, such antibiotic or antibiotics shall remain authorised in that Member State until 30 June 1999.

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

Done at Brussels, 17 December 1998.

For the Council

The President

W. MOLTERER

COUNCIL REGULATION (EC) No 2822/98
of 21 December 1998
temporarily suspending some or all of the autonomous Common Customs Tariff
duties on certain fishery products (1999)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas the Community relies at present on imports from third countries for supplies of certain fishery products; whereas it is in the interest of the Community to suspend partially or totally the customs duties for these products; whereas, in order to avoid endangering the prospects for developing the production of competitive products in the Community while ensuring that the industries concerned receive the necessary supplies, it is advisable to adopt these suspension measures only from 1 January to 31 December 1999;

Whereas it is for the Community to decide to suspend these autonomous duties,

Article 1

1. From 1 January to 31 December 1999 the autonomous Common Customs Tariff duties on the products listed in the Annex shall be suspended at the level indicated for each period.

2. Imports of these products shall qualify for the suspension referred to in paragraph 1 only provided that the free-at-frontier price laid down by the Member States, in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, is at least equal to the reference price fixed or to be fixed by the Community for the products or categories of products in question.

Article 2

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels, 21 December 1998.

For the Council

The President

M. BARTENSTEIN

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 3318/94 (OJ L 350, 31. 12. 1994, p. 15).

ANNEX

	CN code and TARIC	Description	Rate of autonomous duty (%)
0001	0302 65 20 0303 75 20 ex 0304 10 98 60 ex 0304 90 97 31	Dogfish of the species <i>Squalus acanthias</i> fresh, chilled or frozen	6
0002	ex 0302 69 99 30 ex 0303 79 96 30	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
0003	ex 0302 69 99 40	Lump fish (<i>Cyclopterus lumpus</i>), with roe, fresh or chilled, for processing (a)	0
0004	ex 0302 69 99 50 ex 0303 79 96 40	Red snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a) (c)	0
0005	ex 0302 70 00 11 ex 0302 70 00 31 ex 0302 70 00 41 ex 0302 70 00 91 ex 0303 80 90 10 ex 0303 80 90 19	Hard fish roes, fresh, chilled or frozen	0
0006	ex 0303 10 00 10	Pacific salmon (<i>Oncorhynchus</i> spp.), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
0007	ex 0304 20 85 10 ex 0304 90 61 10	Fillets and meat of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial block, for processing (a) (b)	4
0008	ex 0305 20 00 11 ex 0305 20 00 18 ex 0305 20 00 20	Hard fish roes, salted or in brine	0
0009	ex 0306 19 90 10 ex 0306 29 90 10	Krill for processing (a)	0
0021	ex 1604 11 00 20 ex 1604 20 10 20	Pacific salmon (<i>Oncorhynchus</i> spp.), for the processing industry for manufacture into pastes or spreads (a)	0
0022	ex 1604 30 90 10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (a)	0
0023	ex 1605 10 00 11 ex 1605 10 00 19	Crabs of the species 'King' (<i>Paralithodes cambraticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbeckii</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
0024	ex 1605 10 00 92 ex 1605 10 00 94	Crabs of the species <i>Paralomis granulosa</i>	0

-
- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:
- cleaning, gutting, tailing, heading,
 - cutting (excluding filleting or cutting of frozen blocks),
 - sampling, sorting,
 - labelling,
 - packing,
 - chilling,
 - freezing,
 - deep freezing,
 - thawing, separation.
- The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.
- (c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.
-

COUNCIL REGULATION (EC) No 2823/98
of 21 December 1998

amending Regulation (EC) No 730/98 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EC) No 730/98 ⁽¹⁾, the Council opened autonomous tariff quotas for cod (order No 09.2753), shrimps of the species *Pandalus borealis* (order No 09.2773), surimi (order No 09.2779) and for tuna loins (order No 09.2790);

Whereas their quota amounts are insufficient to meet the needs of the Community industry; whereas, consequently, these quota amounts should be increased with effect from 1 April 1998 so as to ensure uninterrupted use of these quotas,

Article 1

The Annex to Regulation (EC) No 730/98 shall be amended as follows:

- order No 09.2753: the amount of the tariff quota shall be altered to 65 500 tonnes,
- order No 09.2773: the amount of the tariff quota shall be altered to 9 000 tonnes,
- order No 09.2779: the amount of the tariff quota shall be altered to 12 000 tonnes,
- order No 09.2790: the amount of the tariff quota shall be altered to 1 200 tonnes.

Article 2

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 April 1998.

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

Done at Brussels, 21 December 1998.

For the Council

The President

M. BARTENSTEIN

⁽¹⁾ OJ L 102, 2. 4. 1998, p. 1.

COUNCIL REGULATION (EC) No 2824/98
of 21 December 1998
amending Regulation (EC) No 1734/94 on financial and technical cooperation
with the Occupied Territories

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 189c of the Treaty ⁽¹⁾,

Whereas Council Regulation (EC) No 1734/94 of 11 July 1994 on financial and technical cooperation with the Occupied Territories ⁽²⁾ recognises that the setting up and improvement of institutions necessary for the working of the public administration are crucial to the development process in the West Bank and Gaza Strip;

Whereas temporary support is necessary for the recurrent cost of the Palestinian public sector;

Whereas Article 3 of Regulation (EC) No 1734/94 extends the possibility of the combination of Community measures in the West Bank and Gaza Strip with Bank financing from own resources;

Whereas it is considered desirable that the possibility of interest rate subsidy be extended to projects in the West Bank and Gaza Strip in the priority areas laid down in Article 2(1) of that Regulation;

Whereas it is necessary to amend Regulation (EC) No 1734/94 in order explicitly to allow for such measures, in particular those regarding recurrent costs of the Palestinian public sector as well as the interest rate subsidies,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1734/94 is hereby amended as follows:

⁽¹⁾ Opinion of the European Parliament of 16 September 1998 (OJ C 313, 12. 10. 1998), Council Common Position of 13 October 1998 (OJ C 388, 14. 12. 1998) and Decision of the European Parliament of 3 December 1998 (not yet published in the Official Journal).

⁽²⁾ OJ L 182, 16. 7. 1994, p. 4.

1. Article 2(2) and (3) shall be replaced by the following:

'2. Community aid may be given for investment projects, feasibility studies, technical assistance and training, and for temporary support for the recurrent costs of the Palestinian public administration.

3. Community financing for projects and operations covered by this Regulation shall be in the form of grants or interest rate subsidies on lending by the Bank out of its own resources. The subsidy rate shall be 3 %.'

2. Article 4 shall be replaced by the following:

Article 4

1. Financing decisions on projects and operations to which grants are made under this Regulation shall be adopted in accordance with the procedure laid down in Article 5.

2. Financing decisions on overall allocations for technical cooperation, training and trade promotion shall be adopted in accordance with the procedures laid down in Article 5.

The Commission shall keep the Committee referred to in Article 5 regularly informed of the use made of these overall allocations.

3. Decisions amending decisions adopted in accordance with the procedure provided for in Article 5 shall be taken by the Commission where they do not entail any substantial amendments or additional commitments in excess of 20 % of the original commitment.

4. Financing decisions on interest rate subsidies shall be adopted in accordance with the procedure laid down in Article 12 of Regulation (EC) No 1488/96 ^(*).

^(*) OJ L 189, 30.7.1996, p. 1. Regulation as amended by Regulation (EC) No 780/98 (OJ L 113, 15.4.1998, p. 3).'

Article 2

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

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

Done at Brussels, 21 December 1998.

For the Council
The President
M. BARTENSTEIN

COUNCIL REGULATION (EC) No 2825/98
of 22 December 1998

**exempting from common customs tariff duties imports into the Community of
prepared and preserved sardines originating in Morocco**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Protocol 2 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, signed on 26 February 1996, provides for imports into the Community of prepared and preserved sardines of CN codes 1604 13 11, 1604 13 19 and ex 1604 20 50 originating in Morocco to be exempt from customs duties from 1 January 1999;

Whereas, pending the Agreement's conclusion and entry into force, the Community should introduce these arrangements autonomously,

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community of prepared and preserved sardines of CN codes 1604 13 11, 1604 13 19 and ex 1604 20 50 originating in Morocco shall be exempt from customs duties.

Article 2

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 January 1999 until the entry into force of the Euro-Mediterranean Agreement with Morocco.

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

Done at Brussels, 22 December 1998.

For the Council

The President

C. EINEM

COMMISSION REGULATION (EC) No 2826/98
of 22 December 1998
concerning the stopping of fishing for saithe by vessels flying the flag of
Denmark

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EC) No 2386/98⁽⁴⁾, provides for saithe quotas for 1998;

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

Whereas, according to the information communicated to the Commission, catches of saithe in the waters of ICES divisions II a (EC zone), III a; III b, c, d (EC zone), IV by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1998;

whereas Denmark has prohibited fishing for this stock as from 14 December 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions II a (EC zone), III a; III b, c, d (EC zone), IV by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1998.

Fishing for saithe in the waters of ICES divisions II a (EC zone), III a; III b, c, d (EC zone), IV by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 14 December 1998.

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

Done at Brussels, 22 December 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 297, 6. 11. 1998, p. 2.

COMMISSION REGULATION (EC) No 2827/98
of 22 December 1998
concerning the stopping of fishing for sprat by vessels flying the flag of Denmark

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 2386/98 ⁽⁴⁾, provides for sprat quotas for 1998;

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

Whereas, according to the information communicated to the Commission, catches of sprat in the waters of ICES divisions II a (EC zone), IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1998; whereas Denmark has

prohibited fishing for this stock as from 25 November 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sprat in the waters of ICES divisions II a (EC zone), IV (EC zone), by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1998.

Fishing for sprat in the waters of ICES divisions II a (EC zone), IV (EC zone) by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 25 November 1998.

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

Done at Brussels, 22 December 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 297, 6. 11. 1998, p. 2.

COMMISSION REGULATION (EC) No 2828/98**of 22 December 1998****concerning the stopping of fishing for sprat by vessels flying the flag of Finland**

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 2386/98 ⁽⁴⁾, provides for sprat quotas for 1998;

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

Whereas, according to the information communicated to the Commission, catches of sprat in the waters of ICES divisions III b, c, d (EC zone) by vessels flying the flag of Finland or registered in Finland have reached the quota

allocated for 1998; whereas Finland has prohibited fishing for this stock as from 13 November 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sprat in the waters of ICES divisions III b, c, d (EC zone) by vessels flying the flag of Finland or registered in Finland are deemed to have exhausted the quota allocated to Finland for 1998.

Fishing for sprat in the waters of ICES divisions III b, c, d (EC zone) by vessels flying the flag of Finland or registered in Finland is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 13 November 1998.

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

Done at Brussels, 22 December 1998.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 297, 6. 11. 1998, p. 2.

COMMISSION REGULATION (EC) No 2829/98
of 22 December 1998
concerning the stopping of fishing for herring by vessels flying the flag of the
United Kingdom

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 2386/98 ⁽⁴⁾, provides for herring quotas for 1998;

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

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES divisions IV a, b by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1998; whereas the United

Kingdom has prohibited fishing for this stock as from 15 December 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions IV a, b by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1998.

Fishing for herring in the waters of ICES divisions IV a, b by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 15 December 1998.

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

Done at Brussels, 22 December 1998.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 297, 6. 11. 1998, p. 2.

COMMISSION REGULATION (EC) No 2830/98
of 28 December 1998
on the supply of cereals 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 cereals 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 under 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;

Whereas Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro ⁽³⁾ provides that as from 1

January 1999, all references to the ecu in legal instruments are to be replaced by references to the euro at the rate of EUR 1 to ECU 1; whereas, for the sake of clarity, the denomination 'euro' should be used in this Regulation since it is to apply from 1 January 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals 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, 28 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

⁽³⁾ OJ L 162, 19. 6. 1997, p. 1.

ANNEX

LOT A

1. **Action No:** 84/98
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel.: (39 6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 21 300
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(1)(a))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (1.0 A.1.c, 2.c and B.2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IIA(3))
 - Language to be used for the markings: English
 - Supplementary markings: –
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment – fob stowed and trimmed
13. **Alternative delivery stage:** –
14. (a) **Port of shipment:** –
(b) **Loading address:** –
15. **Port of landing:** –
16. **Place of destination:** –
 - port or warehouse of transit: –
 - overland transport route: –
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 1 – 21.2.1999
 - second deadline: 15.2 – 7.3.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: –
 - second deadline: –
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 12.1.1999
 - second deadline: 26.1.1999
20. **Amount of tendering guarantee:** EUR 5 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 8.1.1999, fixed by Commission Regulation (EC) No 2753/98
(OJ L 345, 19.12.1998, p. 23)

LOT B

1. **Action No:** 85/98
2. **Beneficiary** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel.: (39 6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Angola
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 7 500
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(1)(d))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.2)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: –
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment – fob stowed and trimmed
13. **Alternative delivery stage:** –
14. (a) **Port of shipment:** –
(b) **Loading address:** –
15. **Port of landing:** –
16. **Place of destination:** –
 - port or warehouse of transit: –
 - overland transport route: –
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 1 – 21.2.1999
 - second deadline: 15.2 – 7.3.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: –
 - second deadline: –
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 12.1.1999
 - second deadline: 26.1.1999
20. **Amount of tendering guarantee:** EUR 5 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 8.1.1999, fixed by Commission Regulation (EC) No 2753/98 (OJ L 345, 19.12.1998, p. 23)

LOT C

1. **Action No:** 306/97
2. **Beneficiary** ⁽²⁾: Ethiopia
3. **Beneficiary's representative:** Food Security Unit of the European Communities Addis Ababa, P.O. Box 5570. Tel: (251-1) 610912, fax: 612655
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net):** 15 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(1)(d))
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.a, 2.a and B(3))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: –
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination ⁽⁸⁾
13. **Alternative delivery stage:** free at port of shipment – fob stowed
14. (a) **Port of shipment:** –
(b) **Loading address:** –
15. **Port of landing:** Berbera (Somalia)
16. **Place of destination:** EFSR warehouse in Dire Dawa, Shinille
 - port or warehouse of transit: –
 - overland transport route: –
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 4.4.1999
 - second deadline: 18.4.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 1 – 14.2.1999
 - second deadline: 15 – 28.2.1999
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 12.1.1999
 - second deadline: 26.1.1999
20. **Amount of tendering guarantee:** EUR 5 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 8.1.1999, fixed by Commission Regulation (EC) No 2753/98 (OJ L 345, 19.12.1998, p. 23)

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 indicated 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:
- phytosanitary certificate,
 - lot C: fumigation certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point IIA(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) 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 2831/98
of 22 December 1998
amending Regulation (EC) No 1503/96 on the detailed rules for the application of
Council Regulation (EC) No 3072/95 with regard to import duties on rice

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 11(4) thereof,

Whereas the trial period for the cumulative recovery system (CRS) for determining the full import duties on husked rice falling within CN code 1006 20 introduced by Commission Regulation (EC) No 703/97 ⁽³⁾, as amended by Regulation (EC) No 1470/98 ⁽⁴⁾, expires on 31 December 1998; whereas the evaluation of the system carried out in accordance with Article 10(4) of Regulation (EC) No 703/97 suggests that it should not be extended beyond that date;

Whereas, when it comes to determining the representative price of husked Indica rice on the United States market, the current economic conditions justify an increase in the prices recorded for the reference qualities

listed in the Annex to Commission Regulation (EC) No 1503/96 ⁽⁵⁾, as last amended by Regulation (EC) No 1403/97 ⁽⁶⁾; whereas this increase can be assessed at any time by the Commission; whereas that Regulation must therefore be amended;

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

Annex I to Regulation (EC) No 1503/96 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 December 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽³⁾ OJ L 104, 22. 4. 1997, p. 12.

⁽⁴⁾ OJ L 194, 10. 7. 1998, p. 5.

⁽⁵⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽⁶⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX

ANNEX I

	Indica rice		Japonica rice	
	Husked	Milled	Husked	Milled
CN code	1006 20 17 1006 20 98	1006 30 27 1006 30 48 1006 30 67 1006 30 98	1006 20 other than 1006 20 17 1006 20 98	1006 30 other than 1006 30 27 1006 30 48 1006 30 67 1006 30 98
Reference quality	US long grain 2/4/73 ⁽²⁾ US long grain parboiled 1/4/88 ⁽²⁾	Thai 100 % B	US Gulf medium grain ⁽³⁾	
Origin	USA	Thailand	USA	USA
Stage ⁽¹⁾	cif loose ARAG	cif loose ARAG	cif loose ARAG	cif loose ARAG

⁽¹⁾ Cif ARAG: quotation for North Sea ports (Antwerp, Rotterdam, Amsterdam, Ghent).

⁽²⁾ The prices relating to these two reference qualities are increased by 8 %.

⁽³⁾ In the absence of this quality, other qualities of rice of the japonica type may be used.

COMMISSION REGULATION (EC) No 2832/98
of 28 December 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 29 December 1998.

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

Done at Brussels, 28 December 1998.

For the Commission

Karel VAN MIERT

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 28 December 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	052	132,3
	204	82,0
	999	107,2
0709 90 70	052	87,7
	204	90,0
	999	88,8
0805 10 10, 0805 10 30, 0805 10 50	052	51,5
	204	40,8
	999	46,1
0805 20 10	204	64,5
	999	64,5
	0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052
464		171,5
999		115,8
0805 30 10	052	49,8
	600	84,7
	999	67,2
0808 10 20, 0808 10 50, 0808 10 90	052	64,5
	400	69,8
	404	79,9
	728	88,7
	999	75,7
0808 20 50	052	149,4
	064	59,2
	400	86,4
	720	63,5
	999	89,6

⁽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 2833/98
of 28 December 1998
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2519/98⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2710/98⁽⁵⁾, as last amended by Regulation (EC) No 2817/98⁽⁶⁾;

Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2710/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2710/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 29 December 1998.

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

Done at Brussels, 28 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 315, 25. 11. 1998, p. 7.

⁽⁵⁾ OJ L 340, 16. 12. 1998, p. 27.

⁽⁶⁾ OJ L 349, 24. 12. 1998, p. 62.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat high quality	52,10	42,10
	medium quality ⁽¹⁾	62,10	52,10
1001 90 91	Common wheat seed	46,97	36,97
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	46,97	36,97
	medium quality	76,87	66,87
	low quality	97,04	87,04
1002 00 00	Rye	106,54	96,54
1003 00 10	Barley, seed	106,54	96,54
1003 00 90	Barley, other ⁽³⁾	106,54	96,54
1005 10 90	Maize seed other than hybrid	103,88	93,88
1005 90 00	Maize other than seed ⁽³⁾	103,88	93,88
1007 00 90	Grain sorghum other than hybrids for sowing	106,54	96,54

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 15 December 1998 to 24 December 1998)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (ECU/tonne)	110,98	99,68	88,40	74,67	129,81	119,81	76,62
Gulf premium (ECU/tonne)	24,00	10,41	1,52	8,40	—	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—	—

(*) A discount of ECU 10 per tonne (Article 4(1) of Regulation (EC) No 1249/96).

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,86 per tonne; Great Lakes — Rotterdam: ECU 21,03 per tonne.

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

COMMISSION REGULATION (EC) No 2834/98**of 28 December 1998****on the issue of system B export licences in the fruit and vegetables sector**

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 (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas Commission Regulation (EC) No 2379/98 ⁽³⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes, walnuts in shell, lemons and apples destined for geographical group XY will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for tomatoes, walnuts in shell, lemons and apples destined for geographical group XY exported after 28 December 1998 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes, walnuts in shell, lemons and apples destined for geographical group XY submitted pursuant to Article 1 of Regulation (EC) No 2379/98, export declarations for which are accepted after 28 December 1998 and before 15 January 1999, are hereby rejected.

Article 2

This Regulation shall enter into force on 29 December 1998.

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

Done at Brussels, 28 December 1998.

For the Commission

Karel VAN MIERT

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 295, 4. 11. 1998, p. 15.

COMMISSION REGULATION (EC) No 2835/98
of 28 December 1998

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

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

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

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined;

whereas, to that end, provision should be made for this Regulation to enter into force immediately;

Whereas Article 2 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro ⁽⁵⁾ provides that, as from 1 January 1999, all references to the ecu in legal instruments are to be replaced by references to the euro at the rate of EUR 1 to ECU 1,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 December 1998.

It shall apply from 30 December 1998 to 12 January 1999.

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

Done at Brussels, 28 December 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁵⁾ OJ L 162, 19. 6. 1997, p. 1.

ANNEX

(ECU/100 pieces)

Period from 30 December 1998 to 12 January 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,82	12,12	58,04	19,33
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	13,59	7,92	14,52	13,03
Morocco	15,51	13,08	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION DIRECTIVE 98/100/EC

of 21 December 1998

amending Directive 92/76/EC recognising protected zones exposed to particular plant health risks in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾, and in particular the first subparagraph of Article 2(1)(h) thereof,

Having regard to Commission Directive 92/76/EEC of 6 October 1992 recognising protected zones exposed to particular plant health risks in the Community⁽³⁾, as last amended by Directive 98/17/EC⁽⁴⁾,

Whereas under Commission Directive 92/76/EEC, as amended, certain zones in Ireland and Italy were provisionally recognised as 'protected zones' in respect of certain harmful organisms for a period expiring on 31 December 1998;

Whereas, from information supplied by Austria, Ireland and Italy and from the survey monitoring information gathered by Commission experts it appears that the provisional recognition of the protected zones for Austria, Ireland and Italy in respect of *Erwinia amylovora* (Burr.) Winsl. et al. should be extended for a further limited period to enable the responsible official bodies of Austria, Ireland and Italy to complete the information on the distribution of *Erwinia amylovora* and to continue and complete their eradication programmes for this harmful organism in their respective countries, and to enable Commission experts to monitor and assess the effectiveness of such programmes;

Whereas, from information supplied by Finland and from the survey monitoring information gathered by Commission experts it has become apparent that the provisional recognition of the protected zone for Finland in respect of *Globodera pallida* (Stone) Behrens should be changed to a 'permanent' status and extended beyond 31 December 1998; whereas the necessity of such recognition shall be reviewed in the light of the outcome of the

review of Council Directive 69/465/EEC of 8 December 1969 on the control of potato cyst eelworm⁽⁵⁾ and the implementation thereof;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1 of Directive 92/76/EEC is amended as follows:

1. in the first subparagraph the words 'in the case of (b)2 for Ireland and the region of Apulia in Italy the said zones are recognised until 31 December 1998 and for Austria until 31 December 1998' are replaced by 'in the case of (b)2 for Austria, Ireland and the regions of Apulia, Emilia-Romagna, Lombardia and Veneto in Italy the said zones are recognised until 31 March 2000';
2. the second subparagraph is replaced by the following:
'In the case of point (a)5b, the zone is recognised until 31 December 1996'.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 January 1999. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such a reference shall be adopted by Member States.

2. Member States shall immediately communicate to the Commission the essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 305, 21. 10. 1992, p. 12.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 28.

⁽⁵⁾ OJ L 323, 24. 12. 1969, p. 3.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1998.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 November 1998

on a common technical Regulation for land mobile satellite earth stations (LMES) operating in the 1,5/1,6 GHz frequency bands

(notified under document number C(1998) 3695)

(Text with EEA relevance)

(98/734/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/13/EC of the European Parliament and of the Council of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity⁽¹⁾, and in particular Article 7(2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of satellite earth station equipment for which a common technical Regulation is required, as well as the associated scope statement according to Article 7(2), first indent;

Whereas the corresponding harmonised standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical Regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to allow for transitional arrangements regarding equipment approved according to national type-approval regulations;

Whereas the proposal has been submitted to the Committee (ACTE), according to Article 29(2);

Whereas the common technical Regulation to be adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to satellite earth station equipment falling within the scope of the harmonised standard identified in Article 2(1).
2. This Decision establishes a common technical Regulation covering land mobile satellite earth stations (LMES) operating in the 1,5/1,6 GHz frequency bands.

Article 2

1. The common technical Regulation shall include the harmonised standard prepared by the relevant standardisation body implementing to the extent applicable the essential requirements referred to in Article 17 of Directive 98/13/EC. The reference to the standard is set out in Annex I.
2. Satellite earth station equipment covered by this Decision shall comply with the common technical Regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 5(a) and (b) of

⁽¹⁾ OJ L 74, 12. 3. 1998, p. 1.

Directive 98/13/EC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC ⁽¹⁾ and 89/336/EEC ⁽²⁾.

3. Annex II, Table A, states the limits of unwanted emissions above 1 000 MHz and outside the bands 1 626,5 MHz to 1 645,5 MHz and 1 656,6 MHz to 1 660,5 MHz applicable before 1 June 2002. Annex II, Table B, states such limits applicable from 1 June 2002.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 10 of Directive 98/13/EC shall, as regards satellite earth station equipment covered by Article 1(1) of this Decision, use or ensure the use of the harmonised standard referred to in the Annex after the notification of this Decision.

Article 4

1. National type-approval regulations covering equipment within the scope of the harmonised standard referred to in the Annex cease to be applicable with effect from three months after the date of adoption of this Decision.
2. Satellite earth station equipment, approved under such national type-approval regulations may continue to be placed on the national market and put into service.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 November 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 77, 26. 3. 1973, p. 29.

⁽²⁾ OJ L 139, 23. 5. 1989, p. 19.

*ANNEX I***Reference to the harmonised standard applicable**

The harmonised standard referred to in Article 2 of the Decision is

Satellite earth stations and systems (SES);
Land mobile satellite earth stations (LMES) operating in the 1,5/1,6 GHz frequency bands providing
voice and/or data communications

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR44: May 1998

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonised standard referred to above has been produced according to a mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonised standard referenced above can be obtained from:

European Telecommunications Standards Institute
650 route des Lucioles
F-06921 Sophia Antipolis Cedex

European Commission,
DG XIII/A/2 — (BU 31, 1/7),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels

or from any other organisation responsible for making ETSI standards available, of which a list can be found on the Internet under address www.ispo.ccc.be.

⁽¹⁾ OJ L 109, 26. 4. 1983, p. 8.

ANNEX II

TABLE A

Limits of unwanted emissions above 1 000 MHz and outside the bands 1 626,5 MHz to 1 645,5 MHz and 1 656,6 MHz to 1 660,5 MHz applicable before 1 June 2002

Frequency range (MHz)	Carrier-on		Carrier-off	
	EIRP limit (dBpW)	Measurement bandwidth (kHz)	EIRP limit (dBpW)	Measurement bandwidth (kHz)
1 000 to 1 525	49	100	48	100
1 525 to 1 559	49	100	17	3
1 559 to 1 600	49	100	48	100
1 600 to 1 626	74	100	48	100
1 626 to 1 626,5	84	3	48	100
1 645,5 to 1 645,6	104	3	57	3
1 645,6 to 1 646,1	84	3	57	3
1 646,1 to 1 655,9	74	3	57	3
1 655,9 to 1 656,4	84	3	57	3
1 656,4 to 1 656,5	104	3	57	3
1 660,5 to 1 661	84	3	48	100
1 661 to 1 690	74	100	48	100
1 690 to 3 400	49 (note 2)	100	48	100
3 400 to 10 700	55 (note 3)	100	48	100
10 700 to 21 200	61	100	54	100
21 200 to 40 000	67	100	60	100

Note 1 The lower limits shall apply at the transition frequencies.

Note 2 In the band 3 253,0 MHz to 3 321,0 MHz the maximum EIRP in one, and only one, 100 kHz measurement bandwidth shall not exceed 82 dBpW. Elsewhere in this band the power limit in this table shall be applied.

Note 3 In each of the bands 4 879,5 MHz to 4 981,5 MHz, 6 506,0 MHz to 6 642,0 MHz and 8 132,5 MHz to 8 302,5 MHz the maximum EIRP in one, and only one, 100 kHz measurement bandwidth shall not exceed 72 dBpW. In the band 9 759,0 MHz to 9 963,0 MHz the maximum power in one, and only one, 100 kHz measurement bandwidth shall not exceed 61 dBpW. Elsewhere in this band the power limit in this table shall be applied.

TABLE B

Limits of unwanted emissions above 1 000 MHz and outside the bands 1 626,5 MHz to 1 645,5 MHz and 1 656,6 MHz to 1 660,5 MHz applicable from 1 June 2002

Frequency range (MHz)	Carrier-on		Carrier-off	
	EIRP limit (dBpW)	Measurement bandwidth (kHz)	EIRP limit (dBpW)	Measurement bandwidth (kHz)
1 000 to 1 525	49	100	48	100
1 525 to 1 559	49	100	17	3
1 559,0 to 1 580,42	50	1 000	50	1 000
1 580,42 to 1 605,0	50	1 000	50	1 000
1 605,0 to 1 610,0	(note 4)	100	(note 5)	100
1 610 to 1 626,0	74	100	48	100
1 626 to 1 626,5	84	3	48	100
1 645,5 to 1 645,6	104	3	57	3
1 645,6 to 1 646,1	84	3	57	3
1 646,1 to 1 655,9	74	3	57	3
1 655,9 to 1 656,4	84	3	57	3
1 656,4 to 1 656,5	104	3	57	3
1 660,5 to 1 661	84	3	48	100
1 661 to 1 690	74	100	48	100
1 690 to 3 400	49 (note 2)	100	48	100
3 400 to 10 700	55 (note 3)	100	48	100
10 700 to 21 200	61	100	54	100
21 200 to 40 000	67	100	60	100

Note 1 The lower limits shall apply at the transition frequencies.

Note 2 In the band 3 253,0 MHz to 3 321,0 MHz the maximum EIRP in one, and only one, 100 kHz measurement bandwidth shall not exceed 82 dBpW. Elsewhere in this band the power limit in this table shall be applied.

Note 3 In each of the bands 4 879,5 MHz to 4 981,5 MHz, 6 506,0 MHz to 6 642,0 MHz and 8 132,5 MHz to 8 302,5 MHz the maximum EIRP in one, and only one, 100 kHz measurement bandwidth shall not exceed 72 dBpW. In the band 9 759,0 MHz to 9 963,0 MHz the maximum power in one, and only one, 100 kHz measurement bandwidth shall not exceed 61 dBpW. Elsewhere in this band the power limit in this table shall be applied.

Note 4 Linearly interpolated from 40 dBpW in 100 kHz at 1 605,0 MHz to 74 dBpW in 100 kHz at 1 610,0 MHz.

Note 5 Linearly interpolated from 40 dBpW in 100 kHz at 1 605,0 MHz to 48 dBpW in 100 kHz at 1 610,0 MHz.

IMPORTANT NOTICE TO READERS

Subject: Changes to the Official Journal of the European Communities in 1999

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