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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1606/98

of 29 June 1998

amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 with a view to extending them to cover special schemes for civil servants

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 51 and 235 thereof,

Having regard to the proposal from the Commission⁽¹⁾, submitted after consultation of the Administrative Commission on Social Security for Migrant Workers,

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

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

(1) Whereas, taking account of the judgment of the Court of Justice of the European Communities of November 1995, Case C-443/93 (Ioannis Vougioukas v. Idryma Koinonikon Asfalisseon — IKA, ECR 1995, p. I-4033), the scope of Regulation (EEC) No 1408/71⁽⁴⁾ and (EEC) No 574/72⁽⁵⁾ should be extended to include the special schemes for civil servants and persons treated as such;

(2) Whereas, taking account of that judgment and for the purposes of the application of those regulations, it is appropriate, subject to any special arrangements in this Regulation, to treat members of special schemes for civil servants and persons treated as such as employed persons;

(3) Whereas persons insured in a special scheme for civil servants may simultaneously be self-employed; whereas the Treaty has not provided the necessary powers to take appropriate measures within the field of social security for self-employed persons and therefore the use of Article 235 is justified;

(4) Whereas the adaptations to be made to the enacting terms of Regulations (EEC) No 1408/71 and (EEC) No 574/72 require adaptation of some of their Annexes;

(5) Whereas it is necessary for the conditions for the application of coordination to certain special schemes to be specified in an Annex;

(6) Whereas it is necessary to take account of the unique characteristics of certain special pension schemes for civil servants in some Member States, and in particular, the absence in some Member States of systems of coordination between special schemes and the general scheme, the existence in other Member States of particular systems of coordination between special schemes and the general scheme, the limited scope of such schemes and their particular budgetary and reward structures, for example eligibility which is directly linked to long periods of service;

(7) Whereas, there is no common definition of the notion of civil servant, and there are important disparities, both in terms of the social protection systems which cover them, and in the material and personal field of application of these systems;

(8) Whereas in order to take into account the unique characteristics of these special pension schemes while preserving the general balance of the system of coordination, a limited derogation from the general principle of aggregation is therefore justified, so that

⁽¹⁾ OJ C 46, 20. 2. 1992, p. 1.

⁽²⁾ OJ C 94, 13. 4. 1992, p. 4.

⁽³⁾ OJ C 98, 21. 4. 1992, p. 4.

⁽⁴⁾ OJ L 149, 5. 7. 1971, p. 2. Regulation as last amended by Regulation (EC) No 1223/98 (OJ L 168, 13. 6. 1998, p. 1).

⁽⁵⁾ OJ L 74, 27. 3. 1972, p. 1. Regulation as last amended by Regulation (EC) No 1223/98 (OJ L 168, 13. 6. 1998, p. 1).

under such schemes periods completed under a special scheme in another Member State need not be taken into account, but loss of those periods is avoided by requiring that they be taken into account under the first Member State's general scheme, even when the person concerned has not completed a period under that scheme;

- (9) Whereas it is also necessary to take into account the unique characteristics of these special schemes by adoption of a limited derogation from the usual arrangements for determining the applicable legislation, in that in certain circumstances it will be appropriate for persons covered by special schemes for civil servants to be subject to the legislation of more than one Member State;
- (10) Whereas it is in the interest of members of special schemes for civil servants and persons treated as such that orphans' pensions provided for by such schemes

should be calculated in accordance with the provisions of Chapter 3 of Title III, rather than Chapter 8;

- (11) Whereas the special nature and characteristics of supplementary pensions schemes within the scope of Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the European Community⁽¹⁾, and the diversity of such schemes within and between Member States, means that they do not fall within and should not be subject to the system of coordination provided for in this Regulation, except for schemes which are covered by the term 'legislation' as defined by the first subparagraph of Article 1(j) of Regulation (EEC) No 1408/71 or in respect of which a Member State makes a declaration under that Article,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is hereby amended as follows:

- (1) Article 1 shall be amended as follows:

(a) point (a)(i) shall be replaced by the following:

'(i) any person who is insured, compulsorily or on an optional continued basis, for one or more of the contingencies covered by the branches of a social security scheme for employed or self-employed persons or by a special scheme for civil servants;'

(b) the following point shall be added after point (j):

'(ja) "special scheme for civil servants" means any social security scheme which is different from the general social security scheme applicable to employed persons in the Member States concerned and to which all, or certain categories of, civil servants or persons treated as such are directly subject;'

(c) the following shall be added to point (r):

'periods completed under a special scheme for civil servants are also considered as periods of insurance;'

(d) the following shall be added to point (s):

'periods completed under a special scheme for civil servants are also considered as periods of employment;'

- (2) Article 2(3) shall be deleted;

- (3) in Article 4(4), the words 'or to special schemes for civil servants and persons treated as such' shall be deleted;

- (4) Article 13(1) shall be replaced by the following:

'1. Subject to Articles 14c and 14f, persons to whom this Regulation applies shall be subject to the legislation of a single Member State only. That legislation shall be determined in accordance with the provisions of this Title;'

⁽¹⁾ See page 46 of this Official Journal.

(5) Article 14d(1) shall be replaced by the following:

'1. The person referred to in Article 14(2) and (3), Article 14a(2), (3) and (4), Article 14c(a) and Article 14e shall be treated, for the purposes of application of the legislation laid down in accordance with these provisions, as if he pursued all his professional activity or activities in the territory of the Member State concerned.'

(6) in Title II, the following Articles shall be inserted:

Article 14e

Special rules applicable to persons insured in a special scheme for civil servants who are simultaneously employed and/or self-employed in the territory of one or more other Member States

A person who is simultaneously employed as a civil servant or a person treated as such and insured in a special scheme for civil servants in one Member State and who is employed and/or self-employed in the territory of one or more other Member States shall be subject to the legislation of the Member State in which he is insured in a special scheme for civil servants.

Article 14f

Special rules applicable to civil servants simultaneously employed in more than one Member State and insured in one of these States in a special scheme

A person who is simultaneously employed in two or more Member States as a civil servant or person treated as such and insured in at least one of those Member States in a special scheme for civil servants shall be subject to the legislation of each of these Member States.'

(7) in Chapter 2 of Title III, the following section shall be added:

Section 5

Persons covered by a special scheme for civil servants

Article 43a

1. The provisions of Articles 37, 38(1), 39 and Sections 2, 3 and 4 shall apply by analogy to persons covered by a special scheme for civil servants.

2. However, if the legislation of a Member State makes the acquisition, liquidation, retention or recovery of the rights to benefits under a special scheme for civil servants subject to the condition that all periods of insurance have been completed under one or more special schemes for civil servants in that Member State, or are regarded by the legislation of that Member State as equivalent to such periods, account shall be taken only of the periods which can be recognised under the legislation in that Member State.

If, account having been taken of the periods thus completed, the person concerned does not satisfy the conditions for the receipt of these benefits, these periods shall be taken into account for the granting of the benefits under the general scheme or, failing that, the scheme applicable to manual or clerical workers, as the case may be.

3. Where, under the legislation of a Member State, benefits are calculated on the basis of the last salary or salaries received during a reference period, the competent institution of that State shall take into account for the purposes of the calculation only those salaries, duly revalued, received during the period or periods for which the person concerned was subject to that legislation.'

(8) Chapter 3 of Title III shall be amended as follows:

(a) Article 44(3) shall be replaced by the following:

'3. Save as otherwise provided for in Article 79a, this Chapter shall not apply to increases in pensions or to supplements for pensions in respect of children or to orphan's pensions granted in accordance with the provisions of Chapter 8.'

(b) the following Article shall be added:

Article 51a

Persons covered by a special scheme for civil servants

1. The provisions of Article 44, Article 45(1), (5) and (6) and Articles 46 to 51 shall apply by analogy to persons covered by a special scheme for civil servants.

2. However, if the legislation of a Member State makes the acquisition, liquidation, retention or recovery of the rights to benefits under a special scheme for civil servants subject to the condition that all periods of insurance have been completed under one or more special schemes for civil servants in that Member State, or are regarded by the legislation of that Member State as equivalent to such periods, account shall be taken only of the periods which can be recognised under the legislation in that Member State.

If, account having been taken of the periods thus completed, the person concerned does not satisfy the conditions for the receipt of these benefits, these periods shall be taken into account for the granting of the benefits under the general scheme or, failing that, the scheme applicable to manual or clerical workers, as the case may be.

3. Where, under the legislation of a Member State, benefits are calculated on the basis of the last salary or salaries received during a reference period, the competent institution of that State shall take into account for the purposes of the calculation only those salaries, duly revalued, received during the period or periods for which the person concerned was subject to that legislation.'

(9) in Chapter 6 of Title III, the following section shall be added:

'Section 4

Persons covered by a special scheme for civil servants

Article 71a

1. The provisions of Sections 1 and 2 shall apply by analogy to persons covered by a special unemployment scheme for civil servants.

2. The provisions of Section 3 shall not apply to persons covered by a special unemployment scheme for civil servants. An unemployed person who is covered by a special unemployment scheme for civil servants, who is partially or wholly unemployed, and who, during his last employment, was residing in the territory of a Member State other than the competent State, shall receive benefits in accordance with the provisions of the legislation of the competent State as if he were residing in the territory of that State; these benefits shall be provided by the competent institution, at its expense.'

(10) the following Article shall be inserted:

Article 79a

Provisions relating to benefits for orphans entitled to benefits under a special scheme for civil servants

1. Notwithstanding the provisions of Article 78, orphans' pensions drawn under a special scheme for civil servants shall be calculated in accordance with the provisions of Chapter 3.

2. Where, in a case provided for in paragraph 1, periods of insurance, employment, self-employment or residence have also been completed under a general scheme, then benefits due under that general scheme shall be paid in accordance with the provisions of Chapter 8. Periods of insurance, self-employment or employment completed in accordance with the legislation of a special scheme for civil servants or periods which are regarded by the legislation of that Member State as equivalent to such periods, shall, where appropriate, be taken into account for the acquisition, retention or recovery of the rights to benefit in accordance with the legislation of that general scheme.'

(11) the following Article shall be inserted:

Article 95c

Transitional provisions for application of Regulation (EC) No 1606/98

1. No rights shall be acquired under Regulation (EC) No 1606/98 (*) for any period prior to 25 October 1998.

2. Any period of insurance and, where appropriate, any period of employment, self-employment or residence completed under the legislation of a Member State before 25 October 1998 shall be taken into account for the determination of rights acquired in accordance with the provisions of Regulation (EC) No 1606/98.

3. Subject to the provisions of paragraph 1, a right shall be acquired under Regulation (EC) No 1606/98 even if it relates to a contingency arising prior to 25 October 1998.

4. Any benefit that has not been awarded or that has been suspended on account of the nationality or the residence of the person concerned shall, at the latter's request, be awarded or resumed from 25 October 1998, provided that the rights for which benefits were previously awarded did not give rise to a lump-sum payment.

5. The rights of persons who prior to 25 October 1998, obtained the award of a pension may be reviewed at their request, account being taken of the provisions of Regulation (EC) No 1606/98. The provision shall also apply to the other benefits referred to in Articles 78 and 79 insofar as it applies to Articles 78 and 79a.

6. If the request referred to in paragraph 4 or 5 is lodged within two years from 25 October 1998, rights deriving from Regulation (EC) No 1606/98 shall be acquired from that date and the provisions of the legislation of any Member State on the forfeiture or lapse of rights may not be applied to the persons concerned.

7. If the request referred to in paragraph 4 or 5 is lodged after expiry of the period of two years following 25 October 1998, rights not forfeited or lapsed shall be acquired from the date of such request, subject to any more favourable provisions of the legislation of any Member State.

(*) OJ L 209, 25. 7. 1998, p. 1.'

(12) in Annex IV, Part A, the text of point D shall be replaced by the following:

'D. SPAIN

Legislation relating to invalidity insurance under the general scheme and under the special schemes, except the special schemes for civil servants, the armed forces and the judicial administration.'

(13) Annex VI shall be amended as follows:

(a) in Part A. BELGIUM, the following point shall be added:

'12. The harmful event referred to in Article 1 of the Law of 9 March 1953 making certain adjustments to military pensions and granting free medical care and prescriptions to servicemen invalided in peacetime shall constitute an accident at work or occupational disease within the meaning of Chapter 4 of Title III of the Regulation.'

(b) in Part B. DENMARK, the following point shall be added:

'10. From a person who is covered by a special scheme for civil servants who is resident in Denmark and

(a) to whom the provisions of Title III, Chapter 1, sections 2 to 7 do not apply; and

(b) who is not entitled to a Danish pension,

the competent authorities may demand payment for the cost of benefits in kind granted in Denmark, insofar as the benefits in kind are covered by the special scheme concerned and/or by the personal insurance scheme supplementing it. This also applies to the spouse and children under the age of 18 of such a person.'

(c) in Part C. GERMANY, the following points shall be added:

'21. (a) Insofar as they concern benefits in kind, Title III, Chapter 1, sections 2 to 7 do not apply to persons who are entitled to benefits in kind under a scheme for civil servants or persons treated as such and who are not insured under the statutory sickness insurance system.

(b) Where, however, a person covered by a scheme for civil servants resides in a Member State under whose legislation:

— the right to receive benefits in kind is not subject to conditions of insurance or employment, and

— no pension is payable,

he shall be advised by his sickness institution to advise the appropriate authorities of the Member State of residence that he does not wish to avail himself of rights to benefits in kind granted under the national legislation in his Member State of residence. Where appropriate, this may be done with reference to Article 17a of the Regulation.

22. Notwithstanding the provisions of point 21, in respect of benefits in kind, the provisions of Article 27 of the Regulation shall be deemed to apply to any person who is entitled to both a pension under *Beamtenversorgungsrecht* and a pension under the legislation of another Member State.
23. Chapter 4 does not apply to persons entitled to benefits in kind provided by accident insurance cover for civil servants and persons treated as such.'

(d) in Part D. SPAIN,

(i) point 3 shall be replaced by the following:

- '3. (a) In all Spanish social security schemes, with the exception of the scheme for civil servants, the armed forces and the judicial administration, any employed person or self-employed person who is no longer insured under Spanish legislation shall be considered to be still insured, when the risk materialises, for the purposes of implementing the provisions of Chapter 3 of Title III of the Regulation, if he is insured, under the legislation of another Member State at the time of materialisation of the risk or, failing that, in the case where a benefit is due for the same risk in pursuance of the legislation of another Member State. The latter condition shall be deemed to have been fulfilled, however, in the case referred to in Article 48(1).
- (b) For the purposes of implementing the provisions of Chapter 3 of Title III of the Regulation, the years which the worker lacks to reach the pensionable or compulsory retirement age stipulated in point 4 of Article 31 of the consolidated text of the Law on State Pensioners will be taken into account as service performed only if at the time of materialisation of the risk in respect of which invalidity or death pensions are due, the beneficiary was covered by Spain's special scheme for public servants or in an activity accorded like treatment under that scheme.'

(ii) the following points shall be added:

- '5. Periods completed in other Member States which must be calculated in the special scheme for civil servants, the armed forces and the judicial administration, will be treated in the same way, for the purposes of Article 47 of the Regulation, as the periods closest in time covered as a civil servant in Spain.
6. In the special scheme for civil servants, the armed forces and the judicial administration, the expression "acto de servicio" (act of service) refers to accidents at work and occupational diseases within the meaning of and for the purposes of implementing the provisions of Chapter 4 of Title III of the Regulation.
7. (a) Insofar as they concern benefits in kind, Title III, Chapter 1, sections 2 to 7 do not apply to beneficiaries of the special scheme for civil servants, the armed forces and the judicial administration who are covered under the Spanish "Mutualismo administrativo".
(b) Where, however, a person covered by one of these schemes resides in a Member State under whose legislation:
 - the right to receive benefits in kind is not subject to conditions of insurance or employment, and
 - no pension is payable,he shall be advised by his sickness institution to advise the appropriate authorities of the Member State of residence that he does not wish to avail himself of rights to benefits in kind granted under the national legislation in his Member State of residence. Where appropriate, this may be done with reference to Article 17a of the Regulation.
8. Notwithstanding the provisions of point 7, in respect of benefits in kind, the provisions of Article 27 of the Regulation shall be deemed to apply to any person who is entitled to both a pension under special schemes for civil servants, the armed forces and the judicial administration and a pension under the legislation of another Member State.'

(e) in Part F. GREECE, the following points shall be added:

- '7. As regards civil servants and persons treated as such recruited up to 31 December 1982, the provisions of Chapters 2 and 3 of Title III of the Regulation shall apply by analogy if the persons concerned have completed periods of insurance in another Member State within the framework either of a special pension scheme for civil servants or persons treated as such, or of a general scheme, provided that the persons concerned have been employed as civil servants or as persons treated as such in accordance with the provisions of Greek legislation.

8. Application of the provisions of Articles 43a(2) and 51a(2), where no pension rights have been acquired under a special scheme for civil servants or persons treated as such, shall not prejudice the application of Greek legislation (Code for civil and military pensions) regarding transfer of insurance periods from a special scheme for civil servants to the general insurance scheme for employed persons via the payment of the required contribution.'

(f) in Part I. LUXEMBOURG, the following points shall be added:

'5. For a civil servant not subject to Luxembourg legislation at the time of leaving the service, the basis for calculation for the award of a pension shall be the final salary of the person concerned on leaving the Luxembourg civil service, this salary being established in accordance with the legislation in force at the time of maturity of the pension.

6. Where there is a move from a Luxembourg statutory scheme to a special scheme for civil servants or persons treated as such in another Member State, the provisions of Luxembourg legislation on retroactive insurance shall be suspended.

7. Approval of periods by the Luxembourg statutory scheme shall be based on periods completed in Luxembourg alone.'

(g) in Part K. AUSTRIA,

(i) point 1 shall be replaced by the following:

'1. For the purposes of applying the Regulation, Austrian legislation regarding transfer of insurance periods by the payment of a transfer sum shall remain in force when there is a change between a general scheme and a special scheme for civil servants.'

(ii) the following point shall be added:

'6. For the purposes of applying the Regulation, benefits under the Law on protection of the armed forces (Heeresversorgungsgesetz — HVG) shall be treated as benefits in respect of accidents at work and occupational diseases.'

(h) the text of Part L. PORTUGAL shall be replaced by the following:

'L. PORTUGAL

As regards persons covered by the special scheme for civil servants and persons treated as such who no longer work for the Portuguese administration when they retire or when their pension rights are determined, the last salary received from that administration will be taken into account in order to calculate the pension.'

(i) in Part M. FINLAND, the following point shall be added:

'5. Where a person belonging to a special scheme for civil servants is resident in Finland and:

(a) the provisions of Title III, Chapter I, sections 2 to 7 do not apply; and

(b) the person in question is not entitled to a pension from Finland,

he shall be liable for the costs of benefits in kind granted to him or his family members in Finland insofar as they are covered by the special scheme for civil servants and by the personal insurance arrangement supplementing it.'

(j) in Part N. SWEDEN, the following point shall be added:

'5. A person covered by a special scheme for civil servants who is resident in Sweden, and:

(a) to whom the provisions of Title III, Chapter 1, sections 2 to 7 do not apply, and

(b) who is not entitled to a Swedish pension,

shall be liable to pay for medical care provided in Sweden at the rates which according to Swedish legislation apply for non-residents insofar as the care provided is covered by the special scheme concerned and/or by the personal insurance scheme supplementing it. This also applies to the spouse and children under the age of 18 of such a person.'

Article 2

Regulation (EEC) No 574/72 shall be amended as follows:

(1) the introductory part of Article 8(3) shall be replaced by the following:

'3. In the cases referred to in Article 14c(b) and 14f of the Regulation, where the person in question or a member of his family is entitled to claim benefits in kind in respect of sickness or maternity under the two legislations in question, the following rules shall be applicable.'

(2) Article 9(3) shall be replaced by the following:

'3. By way of derogation from paragraphs 1 and 2, in the cases referred to in Articles 14c(b) or 14f of the Regulation, any entitlement to death grants acquired under the legislation of the Member States concerned shall be retained.'

(3) the following Article shall be inserted:

*'Article 12b***Rules applicable in respect of persons referred to in Articles 14e or 14f of the Regulation**

The provisions of Article 12a(1), (2), (3) and (4) shall apply by analogy to those persons covered by Articles 14e or 14f of the Regulation. In cases covered by Article 14f of the Regulation, the institution designated by the competent authorities of the Member States whose legislation is determined to be applicable shall inform each other accordingly.'

(4) the last sentence of Article 15(1)(a) shall be replaced by the following:

'Nevertheless, in the cases referred to in Articles 14c(b) or 14f of the Regulation, the abovementioned institutions shall likewise take account, for the award of benefits, of the periods of insurance or of residence completed under an obligatory insurance scheme under the legislation of the Member States in question which overlap each other.'

(5) Annex 1 shall be amended as follows:

(a) the following shall be added to Part A. BELGIUM:

'3. *Ministre des Pensions, Bruxelles* — *Minister van Pensioenen, Brussel* (Minister for Pensions, Brussels).

4. *Ministre de la Fonction publique* — *Minister van Ambtenarenzaken, Brussel* (Minister for the Civil Service, Brussels).'

(b) the following shall be added to Part B. DENMARK:

'4. *Finansministeren* (Minister for Finance), *København*'

(c) the following shall be added to Part F. GREECE:

'6. *Υπουργός Οικονομικών, Αθήνα* (Minister for Economic Affairs), Athens'

(d) the following shall be added to Part H. ITALY:

'5. *Ministero del tesoro, del bilancio e della programmazione economica* (Ministry of the Treasury, the Budget and Economic Programming), *Roma*'

(e) the following shall be added to Part I. LUXEMBOURG:

'3. *Ministère de la Fonction publique et de la réforme administrative* (Ministry for Public Service and Administrative Reform), *Luxembourg*'

(f) the following shall be added to Part K. AUSTRIA:

'3. As regards special schemes for civil servants: *Bundesminister für Finanzen* (Federal Minister for Finance), *Wien*, or the relevant provincial government (*Landesregierung*)'

(g) the following shall be added to Part L. PORTUGAL:

'5. *Ministro das Finanças* (Minister for Finance), *Lisboa*

6. *Ministro Adjunto e da Administração Interna* (State Secretary for Interior Administration), *Lisboa*'

(6) Annex 2 shall be amended as follows:

(a) in Part A. BELGIUM:

(i) the following shall be added to point 2:

'(f) invalidity of persons covered by a special scheme for civil servants:

Administration des pensions du Ministère des Finances ou le service qui gère le régime spécial de pension — Administratie van pensioenen van het Ministerie van Financiën of de dienst die het bijzonder stelsel beheert (Pensions administration of the Ministry of Finance or the service which manages the special pensions scheme)

(ii) the following shall be added to point 3:

'(e) special scheme for civil servants:

Administration des pensions du Ministère des Finances ou le service qui gère le régime spécial de pension — Administratie van pensioenen van het Ministerie van Financiën of de dienst die het bijzonder stelsel beheert (Pensions administration of the Ministry of Finance or the service which manages the special pensions scheme)

(iii) the following shall be added to point 4:

'(f) for the whole of the Belgian public sector:

Personnel department of the administration employing the civil servant

(g) scheme for military personnel and gendarmes:

Administration des pensions du Ministère des Finances — Administratie van Pensioenen van het Ministerie van Financiën (Pensions administration of the Ministry of Finance)

(iv) the following shall be added to point 5:

'(c) for the whole of the Belgian public sector

Personnel department of the administration employing the civil servant

(d) scheme for military personnel and gendarmes:

Administration des pensions du Ministère des Finances — Administratie van Pensioenen van het Ministerie van Financiën (Pensions administration of the Ministry of Finance)

(v) the following shall be added to point 6(b):

'(iv) for the whole of the Belgian public sector:

Personnel department of the administration employing the civil servant

(v) for military personnel and gendarmes:

Administration des pensions du Ministère des Finances — Administratie van Pensioenen van het Ministerie van Financiën (Pensions administration of the Ministry of Finance)

(vi) the following shall be added to point 6(c):

'(iii) for the whole of the Belgian public sector:

Personnel department of the administration employing the civil servant

(iv) for military personnel and gendarmes

Administration des pensions du Ministère des Finances — Administratie van Pensioenen van het Ministerie van Financiën (Pensions administration of the Ministry of Finance)

(vii) the following text shall be added to point 6:

'(d) for those entitled to a pension under a special scheme for civil servants:

Administration des pensions du Ministère des Finances ou le service qui gère le régime spécial de pension — Administratie van Pensioenen van het Ministerie van Financiën of de dienst die het bijzonder stelsel beheert (Pensions administration of the Ministry of Finance or the service which manages the special pensions scheme)

(b) Part B. DENMARK shall be amended as follows:

(i) the following shall be added to point 2. **Invalidity:**

'(c) pensions granted under legislation on pensions for civil servants Finansministeriet, Økonomistyrelsen (Ministry of Finance, Agency for financial management and administrative affairs), København'

(ii) the following shall be added to point 3. **Old-age and death (pensions):**

'(c) pensions granted under legislation on pensions for civil servants Finansministeriet, Økonomistyrelsen (Ministry of Finance, Agency for financial management and administrative affairs), København'

(c) Part D. SPAIN shall be amended as follows:

(i) the first line of point 1 shall be replaced by the following:

'1. All schemes with the exception of the mariners' scheme and the scheme for civil servants, military personnel and court officers.'

(ii) the following points shall be added:

'4. Special scheme for civil servants

(a) For old-age, death (including orphans' pensions) and invalidity pensions Dirección General de Costes de Personal y Pensiones Públicas — Ministerio de Economía y Hacienda (Directorate-general for staff expenditure and public pensions — Ministry of Economic Affairs and Finance)

(b) For the award of supplements for major invalidity and for a dependent disabled child: Mutualidad General de Funcionarios Civiles del Estado (Civil servants' general mutual benefits insurance scheme), Madrid

5. Special scheme for military personnel

(a) For old-age, death (including orphans' pensions) and invalidity pensions: Dirección General de Personal, Ministerio de Defensa (Directorate-general for personnel, Ministry of Defence), Madrid

(b) For recognition of unfit-for-service pensions, major invalidity benefits and family benefits for a dependent disabled child Instituto Social de las Fuerzas Armadas (Armed forces' social institute), Madrid

(c) For family benefits:

Las Delegaciones Provinciales del Ministerio de Defensa (Provincial delegations of the Ministry of Defence)

6. Special scheme for court officers

For recognition of major invalidity benefits and benefits for a dependent disabled child

La Mutualidad General (Judicial general mutual benefits insurance fund), Madrid'

(d) Part E. FRANCE shall be amended as follows:

(i) the following shall be added to point 3.IA:

'(e) special civil servants' scheme (invalidity, old age, occupational accidents and diseases)

(i) national civil servants

Service des pensions du ministère chargé du budget (Pensions department, Ministry with responsibility for the budget)

(ii) regional and local authority or hospital service civil servants

Caisse des dépôts et consignations (Deposit and consignment Office), Bordeaux centre'

2. Family benefits: Secretaris-Geral ou equivalente ou o departamento que, em cada organismo, exerça as funções de gestão e administração dos recursos humanos (General secretariat or equivalent or the department which, in each body, is responsible for the management and administration of human resources)
or
Caixa Geral de Aposentações (para titulares de pensão), (General pension fund) (for pensioners), Lisboa
3. Invalidity and old age: Caixa Geral de Aposentações (General pension fund), Lisboa
4. Death:
— survivor's pension Caixa Geral de Aposentações (General pension fund), Lisboa
— death grant Secretaria-Geral ou equivalente ou o departamento que, em cada organismo, exerça as funções de gestão e administração dos recursos humanos (General secretariat or equivalent or the department which, in each body, is responsible for the management and administration of human resources)
or
Caixa Geral de Aposentações (em caso de falecimento de titulares de pensão), (General pension fund), (in the event of the death of pensioners), Lisboa
5. Accidents at work and occupational diseases: Secretaris-Geral ou equivalente ou o departamento que, em cada organismo, exerça as funções de gestão e administração dos recursos humanos (General secretariat or equivalent or the department which, in each body, is responsible for the management and administration of human resources),
or
Caixa Geral de Aposentações (General pension fund), Lisboa'

(7) Annex 3 shall be amended as follows:

(a) Part A. BELGIUM shall be amended as follows:

(i) the following shall be added to point I.2:

'(f) invalidity of persons covered by a special scheme for civil servants:

Administration des pensions du Ministère des Finances ou le service qui gère le régime spécial de pension — Administratie van pensioenen van het Ministerie van Financiën of de dienst die het bijzonder stelsel beheert (Pensions administration of the Ministry of Finance or the service which manages the special pensions scheme)

(ii) the following shall be added to point I.3:

'(e) special civil service scheme:

Administration des pensions du Ministère des Finances ou le service qui gère le régime spécial de pension — Administratie van pensioenen van het Ministerie van Financiën of de dienst die het bijzonder stelsel beheert (Pensions administration of the Ministry of Finance or the service which manages the special pensions scheme)

(b) in Part I. LUXEMBOURG, the following shall be added to point 2:

'(e) for the special schemes in the public sector:

the competent pension authority';

(8) Annex 4 shall be amended as follows:

(a) in Part B. DENMARK, the following point shall be inserted:

'2a. pensions granted under legislation on pensions for civil servants
Finansministeriet, Økonomistyrelsen (Ministry of Finance, Agency for financial management and administrative affairs), København'

(b) Part D. SPAIN shall be amended as follows:

(i) the text of point 1, left-hand column, shall be replaced by the following:

'1. For all schemes which are part of the social security system, with the exception of the mariners' scheme, the scheme for civil servants, military personnel and court officers, and for all contingencies, with the exception of unemployment.'

(ii) the following points shall be added:

5. Special scheme for civil servants

(a) For old-age, death (including orphans' pensions) and invalidity pensions:
Dirección General de Costes de Personal y Pensiones Públicas — Ministerio de Economía y Hacienda (Directorate-general for staff expenditure and public pensions — Ministry of Economic Affairs and Finance)

(b) For recognition of supplements for major invalidity and for a dependent disabled child:
Mutualidad General de Funcionarios Civiles del Estado, (Civil servants' general mutual benefits insurance scheme), Madrid

6. Special scheme for military personnel

(a) For old-age, death (including orphans' pensions) and invalidity pensions:
Dirección General de Personal, Ministerio de Defensa (Directorate-general for staff, Ministry of Defence), Madrid

(b) For recognition of unfit-for-service pensions, major invalidity benefits and family benefits for a dependent disabled child:
Instituto Social de las Fuerzas Armadas (Armed forces' social institute), Madrid

(c) For family benefits:
Dirección General de Personal, Ministerio de Defensa, (Directorate-general for personnel, Ministry of Defence), Madrid

7. Special scheme for court officers

For recognition of major invalidity benefits and benefits for a dependent disabled child:
La Mutualidad General Judicial (Judicial general mutual benefits insurance fund), Madrid'

(c) in Part F. GREECE, the following point shall be added:

'4. For State pensioners:
Γενικό Λογιστήριο του Κράτους, Αθήνα (General accounts office), Athens'

(d) in Part I. LUXEMBOURG, the following point shall be added to section I, point 2:

'(e) for the special schemes in the public sector: the competent pension authority'

(9) Annex 10 shall be amended as follows:

(a) in Part A. BELGIUM, the following points shall be inserted:

'3.b. For the implementation of Articles 14e and 14f of the Regulation and Article 12b of the implementing Regulation
Ministère des Affaires Sociales — Ministerie van Sociale Zaken (Ministry for Social Affairs)

4.a. for the implementation of Article 17 of the Regulation when a special scheme for civil servants is involved:
Ministère des Affaires Sociales — Ministerie van Sociale Zaken (Ministry for Social Affairs) together with the institution competent for the relevant special scheme for civil servants'

(b) Part D. SPAIN shall be amended as follows:

(i) the text of point 3, left-hand column, shall be replaced by the following:

'3. For the purposes of applying Article 38(1), Article 70(1), Article 85(2) and Article 86(2) of the implementing Regulation save in respect of mariners and for the last two Articles mentioned, save in respect of persons in the special scheme for military personnel.'

(ii) the following point shall be added:

'7. For the purposes of applying Article 85(2) and Article 86(2) of the implementing Regulation in respect of family benefits for persons in the special scheme for military personnel: La Dirección General de Personal del Ministerio de Defensa (Directorate-general for personnel, Ministry of Defence)'

(c) in Part I. LUXEMBOURG, the following shall be added to point 7(a):

'(v) for the special schemes in the public sector: the competent pension authority'

(d) in Part K. AUSTRIA, point 1 shall be replaced by the following:

'1. For the purposes of applying Article 14(1)(b), Article 14a(1)(b) and Article 17 of the Regulation: Bundesminister für Arbeit, Gesundheit und Soziales (Federal Minister for Labour, Health and Social Affairs) in agreement with the Bundesminister für Umwelt, Jugend und Familie (Federal Minister for Environment, Youth and the Family); where special schemes for civil servants are concerned, there must also be agreement with the relevant public employer.'

(e) Part L. PORTUGAL shall be amended as follows:

(i) the following subtitle shall be inserted before the words 'I. Mainland':

'A. IN GENERAL.'

(ii) the following text shall be added:

'B. WITH REGARD TO THE SPECIAL SCHEME FOR CIVIL SERVANTS'

1. For the purposes of applying Article 17 of the Regulation: Departamento de Relações Internacionais de Segurança Social (Department of international social security relations), Lisboa
2. For the purposes of applying Article 11(1) and Article 11a of the implementing Regulation: Secretaria-Geral ou equivalente ou o departamento que exerça as funções de gestão dos recursos humanos no organismo a que está vinculado o funcionário destacado (General secretariat or equivalent or the department which is responsible for the management and administration of human resources in the body to which the posted civil servant is attached)
3. For the purposes of applying Article 12a of the implementing Regulation: Secretaria-Geral ou equivalente ou o departamento que exerça as funções de gestão e administração dos recursos humanos no organismo a que o funcionário está vinculado (General secretariat or equivalent or the department which is responsible for the management and administration of human resources in the body to which the posted civil servant is attached)

- | | |
|---|---|
| 4. For the purposes of applying Article 13(2) and (3) of the implementing Regulation: | Departamento de Relações Internacionais de Segurança Social (Department of international social security relations), Lisboa |
| 5. For the purposes of applying Article 14(3) of the implementing Regulation: | Secretaria-Geral ou equivalente ou o departamento que exerça as funções de gestão e administração dos recursos humanos no organismo a que o funcionário está vinculado (General secretariat or equivalent or the department which is responsible for the management and administration of human resources in the body to which the posted civil servant is attached) |
| 6. For the purposes of applying Article 28(1), Article 29(2) and (5), Article 30(1) and (3) and Article 31(1) (second sentence) of the implementing Regulation (as far as the submission of certificates is concerned): | Direcção-Geral de Protecção Social dos Funcionários e Agentes da Administração Pública (ADSE) (Directorate-general for social protection of civil servants and other civil service staff), Lisboa |
| 7. For the purposes of applying Article 25(2), Article 38(1), Article 70(1) and Article 86(2) of the implementing Regulation: | Autoridade administrativa do lugar de residência dos familiares (Administrative authority of the place where the members of the family reside) |
| 8. For the purposes of applying Article 17(6) and (7), Article 18(3) and (6), Article 20, Article 21(1), Article 22, Article 31(1) (first sentence) and Article 34(1) and (2) (first subparagraph) of the implementing Regulation (concerning the institution of the place of residence or the institution of the place of abode, whichever applies): | Administração Regional de Saúde do lugar de residência ou de estada do interessado (Regional health authority of the place of residence or of abode of the person concerned) |
| 9. For the purposes of applying Article 85(2) of the implementing Regulation: | Secretaria-Geral ou equivalente ou o departamento do último organismo a que o interessado esteve vinculado, que exerça as funções de gestão e administração dos recursos humanos (General secretariat or equivalent or the department of the last body to which the person concerned was attached, which is responsible for the management and administration of human resources) |
| 10. For the purposes of applying Article 102(2) of the implementing Regulation: | Departamento de Relações Internacionais de Segurança Social (Department of international social security relations), Lisboa. |

Article 3

This Regulation shall enter into force on 25 October 1998.

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

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

COUNCIL REGULATION (EC) No 1607/98
of 24 July 1998
concerning the prohibition of new investment in the Republic of Serbia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 73g and 228a,

Having regard to Common Position 98/374/CFSP of 8 June 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning the prohibition of new investment in Serbia⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas this prohibition measure falls under the scope of the Treaty establishing the European Community;

Whereas, therefore, and notably with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this measure, as far as the territory of the Community is concerned; whereas such territory is deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;

Whereas the competent authorities of the Member States should, where necessary, be empowered to ensure compliance with this Regulation;

Whereas there is a need for the Commission and the Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. It shall be prohibited, as from the date of entry into force of this Regulation, to transfer funds or other financial assets to:

- the State or Government of the Federal Republic of Yugoslavia and of the Republic of Serbia,
- any person in, or resident in, the Republic of Serbia,
- any body carrying out business in, incorporated or constituted under the law of the Republic of Serbia,
- any body owned or controlled by any of the governments, persons or bodies referred to in this paragraph,
- any person acting on behalf of any of the above governments, persons or bodies,

in so far as such funds or other financial assets are transferred for the purposes of establishing a lasting economic link with the Republic of Serbia, including the acquisition of real estate there.

2. For the purposes of paragraph 1, 'funds and other financial assets' shall be understood to mean cash, liquid assets, dividends, interest or other income on shares, bonds, debt obligations and any other securities, or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with tangible and intangible assets, including property rights.

3. The prohibition of paragraph 1 is without prejudice to the execution of contracts concluded before the entry into force of this Regulation and without prejudice to the execution of trade contracts for the supply of goods or services on usual commercial payment conditions.

Article 2

Notwithstanding Article 1, the competent authorities of the Member States may authorise the release of the funds or other financial assets on a case-by-case basis, where those funds or other financial assets are to be used solely for projects in support of democratisation, humanitarian and educational activities and independent media.

Article 3

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions must be effective, proportionate and dissuasive.

Article 4

Without prejudice to the Community rules of confidentiality, the competent authorities of the Member States shall have the power to require banks, other financial institutions and other bodies and persons to provide all relevant information necessary for ensuring compliance with this Regulation.

Article 5

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as breaches and enforcement problems, judgments handed down by national courts or decisions of relevant international fora.

⁽¹⁾ OJ L 165, 10. 6. 1998, p. 1.

Article 6

This Regulation shall apply:

- within the territory of the Community including its airspace,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State,

- to any body which is incorporated or constituted under the law of a Member State.

Article 7

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, 24 July 1998.

For the Council

The President

W. SCHÜSSEL

COMMISSION REGULATION (EC) No 1608/98
of 23 July 1998
concerning the stopping of fishing for anglerfish by vessels flying the flag of Belgium

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

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

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 783/98 ⁽⁴⁾, provides for anglerfish 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 anglerfish in the waters of ICES divisions VIII a, b, d, e by vessels flying the flag of Belgium or registered in Belgium have reached the quota

allocated for 1998; whereas Belgium has prohibited fishing for this stock as from 5 July 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of anglerfish in the waters of ICES divisions VIII a, b, d, e by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1998.

Fishing for anglerfish in the waters of ICES divisions VIII a, b, d, e, vessels flying the flag of Belgium or registered in Belgium 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 5 July 1998.

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

Done at Brussels, 23 July 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 8.

COMMISSION REGULATION (EC) No 1609/98
of 24 July 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 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 Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 July 1998.

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

Done at Brussels, 24 July 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 24 July 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	066	53,2
	999	53,2
0707 00 05	052	71,6
	999	71,6
0709 90 70	052	47,8
	999	47,8
0805 30 10	382	63,3
	388	72,9
	524	38,3
	528	60,4
	999	58,7
0806 10 10	052	117,3
	400	312,5
	412	110,3
	600	95,3
	624	100,6
0808 10 20, 0808 10 50, 0808 10 90	999	147,2
	388	72,9
	400	86,5
	508	122,1
	512	65,7
	524	88,8
	528	69,6
	720	167,0
	800	210,4
	804	102,9
0808 20 50	999	109,5
	052	108,0
	388	94,6
	512	61,5
	528	90,2
0809 10 00	999	88,6
	052	207,1
	064	118,4
	066	111,6
0809 20 95	999	145,7
	052	412,3
	061	260,9
	400	293,0
	404	365,2
0809 40 05	616	235,2
	999	313,3
	052	137,0
	064	85,9
	066	106,5
	624	252,3
	999	145,4

⁽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 1610/98**of 24 July 1998****determining the extent to which the applications for import licences submitted in July 1998 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 1374/98 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1374/98 of 29 June 1998 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products⁽¹⁾, and in particular Article 14(4) thereof,

Whereas applications lodged for the products referred to in Annex II and Annex IIIB to Regulation (EC) No 1374/98 concern quantities greater than those available; whereas, therefore, the allocation factors should be fixed for the quantities applied for,

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

Done at Brussels, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

Article 1

1. Import licences applied for for products falling within the order numbers in Annex II to Regulation (EC) No 1374/98 listed in Annex I, lodged pursuant to Regulation (EC) No 1374/98 for the period 1 July to 30 September 1998, shall be awarded in accordance with the allocation factors indicated.

2. Import licences applied for for products falling within the order numbers in Annex IIIB to Regulation (EC) No 1374/98 listed in Annex II, lodged pursuant to Regulation (EC) No 1374/98 for the period 1 July to 31 December 1998, shall be awarded in accordance with the allocation factors indicated.

Article 2

This Regulation shall enter into force on 25 July 1998.

⁽¹⁾ OJ L 185, 30. 6. 1998, p. 21.

ANNEX I

Order number in Annex II to Regulation (EC) No 1374/98	TARIC order number	Period: July to September 1998 Allocation factor
36	09.4590	0,0066
37	09.4599	0,0038
39	09.4591	0,0519
40	09.4592	0,0237
41	09.4593	0,0508
42	09.4594	0,0110
44	09.4595	0,0061
47	09.4596	0,0030

ANNEX II

Order number in Annex III B to Regulation (EC) No 1374/98	TARIC order number	Period: July to December 1998 Allocation factor
13	09.4101	0,4411

COMMISSION REGULATION (EC) No 1611/98

of 24 July 1998

authorising the processing into alcohol of table grapes withdrawn from the market in the 1998/99 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Articles 23, 30 and 57 thereof,

Whereas Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine⁽³⁾, as last amended by Regulation (EC) No 2087/97⁽⁴⁾, prohibits the making of wine from grape varieties classed as table grapes from 1 August 1997; whereas the abolition of this possible alternative use for table grapes is causing serious difficulties on the fresh fruit market in some regions of the Community where large quantities of the product were turned into wine and then distilled; whereas these difficulties are likely to result in a marked increase in withdrawals with no possibility of disposal for the producer organisations concerned; whereas it therefore appears justified to implement a transitional measure under the common organisation of the market in fresh products where the abovementioned difficulties arise;

Whereas provision should be made, for a transitional period, for the Member States to be able to distil table grapes withdrawn from the market; whereas such distillation must be carried out by authorised distilleries providing the guarantees required as regards technical equipment and controls; whereas provisions must be adopted for cases where the authorised distilleries are unable to treat the unprocessed grapes;

Whereas measures should be laid down ensuring effective controls to prevent such grapes withdrawn from the market from being used for winemaking or as a fermented product in the wine sector; whereas such measures relate to the requirement to restrict the movement of grapes withdrawn and to the addition on an identifier to the grapes to enable them to be identified and to prevent their use in the wine sector; whereas provision should also be made for the denaturing of the alcohol obtained from distillation of such grapes and to allow disposal of the alcohol only outside the agricultural and spirit drink sectors;

Whereas Member States are required to ensure equal access to all operators concerned by means of appropriate procedures such as invitations to tender or public auctions; whereas they are also required to prevent any distortion of the wine and alcohol market; whereas they must also ensure that checks are made on the method by which the alcohol is obtained;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1998/99 marketing year, table grapes withdrawn from the market pursuant to Article 23(1) of Regulation (EC) No 2200/96 may be processed into alcohol of a strength of more than 80 % vol. by distillation under the conditions laid down in this Regulation.

Article 2

Table grapes withdrawn from the market and intended for processing into alcohol shall be distilled before the end of the 1998/99 marketing year.

Article 3

1. The table grapes referred to in Article 1 shall be delivered to authorised distilleries. Where the authorised distilleries are unable to treat the unprocessed grapes, the Member State concerned may authorise prior treatment of those grapes at suitable authorised installations under official control. It shall take all necessary steps to ensure that the distillable products produced are delivered to authorised distilleries in accordance with this Regulation.

2. The Member States shall forward to the Commission a list of authorised distilleries and suitable authorised installations.

3. The authorised distilleries shall carry out the distillation into alcohol of table grapes and distillable products received pursuant to paragraph 1 in accordance with Article 5 and under official control.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 1.

Article 4

1. Table grapes withdrawn from the market and intended for distillation may not be moved except to an authorised distillery or a suitable authorised installation.

2. An identifier, authorised by national provisions, shall be added at the place of withdrawal to the table grapes withdrawn from the market to enable them to be identified at any moment and prevent their use in the wine sector.

Article 5

1. The alcohol obtained from distillation of the table grapes shall immediately be denatured with the markers laid down for that purpose in Commission Regulation (EC) No 3199/93⁽¹⁾.

2. The alcohol resulting from such distillation shall not be used for food purposes or used in the spirit drink sector.

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

Done at Brussels, 24 July 1998.

Article 6

Alcohol obtained from table grapes withdrawn from the market shall not be eligible for any Community financing.

Article 7

1. Member States shall take all measures necessary:
— to ensure equal access for operators to the measure provided for in this Regulation; to that end, they may use a tendering procedure or public auctions,
— to avoid distortion on the wine and alcohol market.

2. Member States shall take the measures necessary to ensure that checks are made on the method used for obtaining alcohol from table grapes withdrawn from the market.

Article 8

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 288, 23. 11. 1993, p. 12.

COMMISSION REGULATION (EC) No 1612/98
of 24 July 1998
amending Regulation (EEC) No 689/92 fixing the procedure and conditions for
the taking over of cereals by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 689/92⁽³⁾, as last amended by Regulation (EC) No 1424/98⁽⁴⁾, lays down the conditions for taking over cereals into intervention;

Whereas implementation from the 1993/94 marketing year of the reform of the common agricultural policy in the cereals sector may lead to difficulties for producers of certain cereals in certain areas of the Community; whereas, to lessen the impact of these mechanisms on the income of the said producers, provision should be made for exemptions from certain provisions relating to quality once again in the 1998/99 marketing year, as was done in 1997/98;

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 text of Article 2(4) of Regulation (EEC) No 689/92 is replaced by the following:

‘4. Notwithstanding paragraph 2, and for the 1998/99 marketing year:

- at the request of the Member State, a decision shall be taken in accordance with the procedure provided for in Article 23 of Regulation (EEC) No 1766/92, to fix the maximum moisture content at 15 % for cereals offered for intervention with the exception of maize and sorghum,
- the reduction provided for in the case of barley of a specific weight less than 64 kg/hl referred to in Annex II, Table III shall not apply.’

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 with effect from 1 July 1998.

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

Done at Brussels, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ L 190, 4. 7. 1998, p. 14.

COMMISSION REGULATION (EC) No 1613/98
of 24 July 1998
adjusting the agrimonetary compensatory aid granted in Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2990/95 of 18 December 1995 regulating compensation for appreciable reductions in the agricultural conversion rates before 1 July 1996 ⁽¹⁾, as last amended by Regulation (EC) No 1451/96 ⁽²⁾, and in particular Article 2(4) thereof,

Whereas Regulation (EC) No 2990/95 establishes the principle of an agrimonetary compensatory payment the maximum amount of the first tranche of which is determined as a function of the size of the appreciable reduction in the agricultural conversion rates in question; whereas the amounts of the second and third tranches of the payments must be reduced relative to the first tranche by at least one third of the amount granted during the first tranche; whereas the appreciable reduction which affected the Swedish krona on 7 July 1996 was 3,280 %;

Whereas Article 6(2) of Commission Regulation (EC) No 2921/95 of 18 December 1995 laying down detailed rules for compensation for reductions in certain agricultural conversion rates ⁽³⁾, as last amended by Regulation (EC) No 1481/96 ⁽⁴⁾, provides for the maximum amounts of the second and third tranches of the payments to be adjusted on the basis of the impact on incomes of the increase in the agricultural conversion rates occurring before the start of those tranches; whereas, pursuant to Article 2(1) of Regulation (EC) No 2990/95, the tranches are determined for periods of 12 months, starting with the

month following the relevant appreciable reduction in the agricultural conversion rate;

Whereas there have been several increases in the relevant agricultural conversion rates between the dates of their appreciable reductions and the start of the third tranche of payments for Sweden;

Whereas the agrimonetary compensatory payments referred to in Regulation (EC) No 2990/95 are calculated as lump sums; whereas, as a result of the level reached by the agricultural conversion rates, the third tranche for Sweden should be cancelled; whereas those adjustments in payments must be applicable from the start of the tranche in question;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The third tranche of compensatory payments for Sweden provided for in Regulation (EC) No 2990/95 as a result of the appreciable reduction in the agricultural conversion rate which occurred on 7 July 1996 is hereby cancelled.

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, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 312, 23. 12. 1995, p. 7.

⁽²⁾ OJ L 187, 26. 7. 1996, p. 1.

⁽³⁾ OJ L 305, 19. 12. 1995, p. 60.

⁽⁴⁾ OJ L 188, 27. 7. 1996, p. 21.

COMMISSION REGULATION (EC) No 1614/98
of 24 July 1998
introducing transitional measures relating to the aid scheme for hemp for the
1998/99 marketing year

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

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in fibre flax and hemp ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 619/71 of 22 March 1971 laying down general rules for granting aid for flax and hemp ⁽³⁾, as last amended by Regulation (EC) No 1420/98 ⁽⁴⁾, and in particular Article 6a thereof,

Whereas Regulation (EEC) No 619/71 stipulates that, as conditions for the grant of aid for hemp, a contract must be concluded between the grower and primary processor except in certain specific cases, there must be an undertaking to process and the primary processors must be approved;

Whereas Regulation (EEC) No 619/71 stipulates that transitional measures can be adopted if strictly necessary to facilitate the implementation of the provisions introduced by Regulation (EC) No 1420/98; whereas in view of the time needed to implement the said provisions and to

enable operators to adapt to the new system, it will not be possible to apply the conditions referred to in the first and second subparagraphs of Article 3(1) of Regulation (EEC) No 619/71 in the 1998/99 marketing year; whereas, as a result, the one condition that the aid be paid only to the grower should be imposed as a transitional measure for that marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The first and second subparagraphs of Article 3(1) of Regulation (EEC) No 619/71 shall not apply to the aid scheme for hemp in the 1998/99 marketing year. However, the aid shall be granted only to the grower.

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, 24 July 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 72, 26. 3. 1971, p. 2.

⁽⁴⁾ OJ L 190, 4. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 1615/98

of 24 July 1998

fixing the minimum import price applicable to dried grapes during the 1998/99 marketing year as well as the countervailing charges to be imposed where that price is not observed

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

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products⁽¹⁾, as amended by Regulation (EC) No 2199/97⁽²⁾, and in particular Article 13(8) thereof,

Whereas, in accordance with Article 13(1) of Regulation (EC) No 2201/96, the minimum import price for dried grapes is to be determined having regard to:

- the free-at-frontier price on import into the Community,
- the prices obtained in international trade,
- the situation on the internal Community market,
- the trend of trade with third countries;

Whereas Article 13(6) of the same Regulation provides that countervailing charges are to be fixed in reference to a scale of import prices; whereas the maximum countervailing charge is to be determined on the basis of the most favourable prices applied on the world market for significant quantities by the most representative non-member countries;

Whereas a minimum import price must be fixed for currants and other dried grapes;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum import price applicable to dried grapes during the 1998/99 marketing year, which begins on 1 September 1998 and ends on 31 August 1999, shall be as set out in Annex I.
2. The countervailing charge to be imposed where the minimum import price referred to in paragraph 1 is not observed shall be as set out in Annex II.

Article 2

This Regulation shall enter into force on 1 September 1998.

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

Done at Brussels, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ L 303, 6. 11. 1997, p. 1.

ANNEX I

MINIMUM IMPORT PRICES

<i>(ECU per tonne)</i>		
CN code	Description	Minimum import price
0806 20	– Dried grapes:	
	– – In immediate containers of a net capacity of 2 kg or less:	
0806 20 11	– – – Currants	1 038,18
0806 20 12	– – – Sultanas	1 086,10
0806 20 18	– – – Other	1 086,10
	– – Other:	
0806 20 91	– – – Currants	870,57
0806 20 92	– – – Sultanas	910,75
0806 20 98	– – – Other	910,75

ANNEX II

COUNTERVAILING CHARGES

1. Currants falling within CN code 0806 20 11:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 038,18	1 027,80	10,38
1 027,80	1 007,03	31,15
1 007,03	975,89	62,29
975,89	944,74	93,44
944,74		104,96

2. Currants falling within CN code 0806 20 91:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
870,57	861,86	—
861,86	844,45	—
844,45	818,34	—
818,34	792,22	—
792,22		—

3. Dried grapes falling within CN codes 0806 20 12 and 0806 20 18:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 086,10	1 075,24	10,86
1 075,24	1 053,52	32,58
1 053,52	1 020,93	65,17
1 020,93	988,35	97,75
988,35		152,88

4. Dried grapes falling within CN codes 0806 20 92 and 0806 20 98:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
910,75	901,64	—
901,64	883,43	—
883,43	856,10	—
856,10	828,78	—
828,78		—

COMMISSION REGULATION (EC) No 1616/98

of 24 July 1998

amending Regulations (EC) No 1710/95, (EC) No 1711/95 and (EC) No 1905/95 on the arrangements for the import of certain cereal products from certain countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1340/98⁽²⁾, and in particular Article 3(1) thereof,

Whereas Commission Regulation (EC) No 1710/95⁽³⁾, as last amended by Regulation (EC) No 1251/97⁽⁴⁾, lays down transitional measures, valid until 30 June 1998, concerning the special arrangements on importation of bran, sharps and other residues of the sifting, milling or other working of certain cereals, originating in Tunisia, Algeria, Morocco or Egypt, in preparation for implementation of the agreement on agriculture concluded in the Uruguay Round of multilateral trade negotiations; whereas, by Decision 98/238/EC, ECSC⁽⁵⁾, the Community has concluded an Agreement with the Tunisian Republic;

Whereas Commission Regulation (EC) No 1711/95⁽⁶⁾, as last amended by Regulation (EC) No 1251/97, lays down transitional measures, valid until 30 June 1998, concerning the special arrangement for the import of durum wheat originating in Morocco required in order to implement the agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations;

Whereas Commission Regulation (EC) No 1905/95⁽⁷⁾, as last amended by Regulation (EC) No 1251/97, lays down transitional measures, valid until 30 June 1998, concerning the special arrangements for the import of durum wheat, canary grass, rye and malt originating in Turkey required in order to implement the agreement on

agriculture concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for the adoption of transitional measures was extended until 30 June 1999 by Regulation (EC) No 1340/98; whereas, pending adoption by the Council of definitive measures, the measures provided for by Regulations (EC) No 1710/95, (EC) No 1711/95 and (EC) No 1905/95 should be extended until 30 June 1999;

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. In Regulation (EC) No 1710/95:
 - 'Tunisia' is deleted each time that it appears,
 - in Article 1, '30 June 1998' is replaced by '30 June 1999',
 - in the second paragraph of Article 4, '30 June 1998' is replaced by '30 June 1999'.
2. In Regulation (EC) No 1711/95:
 - in Article 1, '30 June 1998' is replaced by '30 June 1999',
 - in the second paragraph of Article 3, '30 June 1998' is replaced by '30 June 1999'.
3. In Regulation (EC) No 1905/95:
 - in Article 1, '30 June 1998' is replaced by '30 June 1999',
 - in the second paragraph of Article 5, '30 June 1998' is replaced by '30 June 1999'.

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 with effect from 1 July 1998.

⁽¹⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ L 184, 27. 6. 1998, p. 1.

⁽³⁾ OJ L 163, 14. 7. 1995, p. 1.

⁽⁴⁾ OJ L 173, 1. 7. 1997, p. 94.

⁽⁵⁾ OJ L 97, 30. 3. 1998, p. 1.

⁽⁶⁾ OJ L 163, 14. 7. 1995, p. 3.

⁽⁷⁾ OJ L 182, 2. 8. 1995, p. 7.

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

Done at Brussels, 24 July 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1617/98

of 24 July 1998

establishing the supply balance for the Azores and Madeira with products from the eggs and poultrymeat sectors and amending Regulation (EEC) No 1726/92

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 for the Azores and Madeira concerning certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1726/92 ⁽³⁾, as last amended by Regulation (EC) No 1393/98 ⁽⁴⁾, fixes for the period 1 July 1998 to 30 June 1999 the quantities of breeding material originating in the Community which benefit from an aid with a view to developing the potential for production in the Azores and Madeira; whereas these quantities should be determined for the egg and poultrymeat sectors for the period 1 July 1998 to 30 June 1999, taking account of local production and traditional trade flows and ensuring that the proportion of products supplied from the Community is preserved;

Whereas the fact that the Community aid is fixed in the light of the present situation on the market for the products in question and in particular of the prices for such products in the European part of the Community and on the world market results in the aid for the supply of egg and poultrymeat to the Azores and Madeira being fixed at the amounts given in the Annex;

Whereas, in the light of the notifications made by the Portuguese authorities, the quantities of breeding material originating in the Community to be supplied to Madeira under the specific supply arrangements during the current period running from 1 July 1998 to 30 June 1999 should be reduced; whereas Part 2 of the Annex to Regulation (EEC) No 1726/92 should therefore be replaced with effect from 1 July 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Part 2 of the Annex to Regulation (EEC) No 1726/92 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1998.

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

Done at Brussels, 24 July 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 179, 1. 7. 1992, p. 99.

⁽⁴⁾ OJ L 187, 1. 7. 1998, p. 35.

ANNEX

PART 2

**Supply in Madeira of breeding material originating in the Community for the period
1 July 1998 to 30 June 1999***(ECU/100 units)*

CN code	Description of the goods	Quantity	Aid
ex 0105 11	Parent or grandparent stock chicks ⁽¹⁾	40 000	5
ex 0407 00 19	Hatching eggs for the production of parent or grandparent stock chicks ⁽¹⁾	0	—

⁽¹⁾ In accordance with the definition provided for in Article 1 of Regulation (EEC) No 2782/75.²

COMMISSION REGULATION (EC) No 1618/98
of 24 July 1998
fixing the minimum selling prices for beef put up for sale under the invitation to
tender referred to in Regulation (EC) No 1433/98

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1433/98 ⁽³⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the invitation to tender held in accordance with Regulation (EC) No 1433/98 for which the time limit for the submission of tenders was 13 July 1998 are as set out in the Annex hereto.

Article 2

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

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

Done at Brussels, 24 July 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 190, 4. 7. 1998, p. 28.

⁽⁴⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ L 248, 14. 10. 1995, p. 39.

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

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

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

BELGIQUE/BELGIË	— Quartiers arrière/Achtervoeten	1 805
DANMARK	— Bagfjerdinger	—
DEUTSCHLAND	— Hinterviertel	—
ESPAÑA	— Cuartos traseros	1 990
FRANCE	— Quartiers arrière	1 805
IRELAND	— Hindquarters	—
ITALIA	— Quarti posteriori	1 805
NEDERLAND	— Achtervoeten	1 775
ÖSTERREICH	— Hinterviertel	1 805

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

DANMARK	— Tyksteg (INT 15)	—
FRANCE	— Semelle (INT 14)	2 401
	— Rumsteak (INT 16)	2 618
	— Faux-filet (INT 17)	4 260
	— Entrecôte (INT 19)	2 969
IRELAND	— Intervention thick flank (INT 12)	—
	— Intervention topside (INT 13)	3 100
	— Intervention silverside (INT 14)	2 491
	— Intervention fillet (INT 15)	8 712
	— Intervention rump (INT 16)	3 149
	— Intervention striploin (INT 17)	5 201
	— Intervention forerib (INT 19)	2 928
UNITED KINGDOM	— Intervention thick flank (INT 12)	2 771
	— Intervention topside (INT 13)	3 330
	— Intervention silverside (INT 14)	2 604
	— Intervention fillet (INT 15)	7 093
	— Intervention rump (INT 16)	4 052
	— Intervention striploin (INT 17)	4 784
	— Intervention forerib (INT 19)	2 929

COMMISSION REGULATION (EC) No 1619/98**of 24 July 1998****on tenders submitted under the first invitation to tender referred to in Regulation (EC) No 1324/98**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2634/97 ⁽²⁾, and in particular Article 7(3) thereof,

Whereas quantities of beef fixed by Commission Regulation (EC) No 1324/98 ⁽³⁾ have been offered for sale by periodic invitation to tender;

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, minimum sales prices for the meat offered for tender are to be fixed in the light of the tenders received; whereas, for the first invitation to tender referred to in Article 2(1)(a) of Regulation (EC) No 1324/

98, the tenders received do not allow minimum prices to be fixed;

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

No action shall be taken on the basis of the tenders submitted under the invitation to tender referred to in Article 2(1)(a) of Regulation (EC) No 1324/98.

Article 2

This Regulation shall enter into force on 25 July 1998.

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

Done at Brussels, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 13.

⁽³⁾ OJ L 183, 26. 6. 1998, p. 38.

⁽⁴⁾ OJ L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ L 248, 14. 10. 1995, p. 39.

**COMMISSION REGULATION (EC) No 1620/98
of 24 July 1998**

determining the extent to which applications for import licences submitted in July 1998 for certain products in the milk and milk products sector under the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria and Romania, in the Agreements on free trade between the Community and the Baltic States and in the Interim Agreement between the Community and the Republic of Slovenia may be accepted

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

Having regard to Commission Regulation (EC) No 2508/97 of 15 December 1997 laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria and Romania, the Agreements on free trade between the Community and the Baltic States and the Interim Agreement between the Community and the Republic of Slovenia and repealing Regulations (EEC) No 584/92, (EC) No 1588/94, (EC) No 1713/95 and (EC) No 455/97⁽¹⁾, and in particular Article 4(4) thereof,

Whereas the applications for import licences submitted for the products listed in Regulation (EC) No 2508/97 exceed the quantities available for certain products;

whereas allocation coefficients should therefore be set for the period 1 July to 31 December 1998 for certain quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences submitted for the period 1 July to 31 December 1998 pursuant to Regulation (EC) No 2508/97, shall be accepted by country of origin and by product covered by the CN codes set out in the Annex for the quantities applied for, multiplied by the allocation coefficients shown.

Article 2

This Regulation shall enter into force on 25 July 1998.

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

Done at Brussels, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 345, 16. 12. 1997, p. 31.

ANNEX

(in %)

Country	Poland			Czech Republic			Slovakia			Hungary				
	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	0406	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50	0406	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50	0406	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50	0406	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 0405 10 30 0405 10 50
Allocation coefficient	0,0079	0,0205	0,6666	0,0079	0,0077	0,0205	0,0082	0,0084	0,0142	0,0131	—	0,0544		

Country	Republic of Estonia			Latvia			Lithuania						
	0402 10 19 0402 21 19	0405 10 11 0405 10 19	0406	0402 10 19 0402 21 19	0405 10 11	0406	ex 0402 29	0402 10 19 0402 21 19	0405 10 11 0405 10 19	0406	0402 10 19 0402 21 19	0405 10 11 0405 10 19	0406
Allocation coefficient	0,0079	0,0138	—	0,0081	0,0084	0,0474	—	0,0080	0,0081	0,0493	—		

Country	Romania			Bulgaria			Slovenia		
	0406	0406	0402 10 0402 21	0406	0403 10	0406 90	0406	0403 10	0406 90
Allocation coefficient	1,0000	—	0,0512	—	—	0,5302			

COMMISSION REGULATION (EC) No 1621/98
of 24 July 1998
altering the export refunds on rice and broken 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 192/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas the export refunds on rice and broken rice were fixed by Commission Regulation (EC) No 1346/98 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1346/98 to the information at present available to the Commission, that the export refunds at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95, with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state and fixed in the Annex to Regulation (EC) No 1346/98, are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 July 1998.

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

Done at Brussels, 24 July 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 184, 27. 6. 1998, p. 12.

ANNEX

to the Commission Regulation of 24 July 1998 altering the export refunds on rice and broken rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	—	1006 30 65 9900	01	—
1006 20 13 9000	01	—		04	—
1006 20 15 9000	01	—	1006 30 67 9100	05	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	—	1006 30 92 9100	01	—
1006 20 94 9000	01	—		02	—
1006 20 96 9000	01	—		03	—
1006 20 98 9000	—	—		04	—
1006 30 21 9000	01	—	1006 30 92 9900	01	—
1006 30 23 9000	01	—		04	—
1006 30 25 9000	01	—		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	—
1006 30 42 9000	01	—		02	—
1006 30 44 9000	01	—		03	—
1006 30 46 9000	01	—		04	—
1006 30 48 9000	—	—	1006 30 94 9900	01	—
1006 30 61 9100	01	—		04	—
	02	—		—	—
	03	—	1006 30 96 9100	01	—
	04	—		02	—
1006 30 61 9900	01	—		03	—
	04	—		04	—
1006 30 63 9100	01	—	1006 30 96 9900	01	—
	02	—		04	—
	03	—		—	—
	04	—	1006 30 98 9100	05	—
1006 30 63 9900	01	—	1006 30 98 9900	—	—
	04	—		—	—
1006 30 65 9100	01	—	1006 40 00 9000	—	—
	02	—			
	03	—			
	04	—			

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 1622/98

of 24 July 1998

**fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty**

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⁾, and in particular Article 13 (3) thereof,Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1352/98⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1011/98⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 July 1998.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.⁽⁶⁾ OJ L 184, 27. 6. 1998, p. 25.⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.⁽⁹⁾ OJ L 145, 15. 5. 1998, p. 11.

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

Done at Brussels, 24 July 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 24 July 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	1,797 1,324 2,765
1002 00 00	Rye	3,140
1003 00 90	Barley	3,321
1004 00 00	Oats	2,388
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	 2,259 4,060 1,935 3,736 4,060 2,259 4,060
1006 20	Husked rice: — round grain — medium grain — long grain	— — —
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	— — —
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	 0,804 2,700 2,700

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	3,321
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	2,211
	— in other cases	3,401
1102 10 00	Rye flour	4,302
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	2,211
	— in other cases	3,401

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COUNCIL DIRECTIVE 98/49/EC

of 29 June 1998

on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 51 and 235 thereof,

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

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

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

(1) Whereas one of the fundamental freedoms of the Community is the free movement of persons; whereas the Treaty provides that the Council shall, acting unanimously, adopt such measures in the field of social security as are necessary to provide freedom of movement of workers;

(2) Whereas the social protection of workers is ensured by statutory social security schemes complemented by supplementary social security schemes;

(3) Whereas the legislation already adopted by the Council with a view to protecting the social security rights of workers moving within the Community and of members of their family, namely Council Regulations (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽⁴⁾ and (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽⁵⁾, concern only statutory pension schemes; whereas the system of coordination provided for in those Regulations does not extend to supplementary pension schemes, except for schemes which are covered by the term 'legislation'

as defined by the first subparagraph of Article 1(j) of Regulation (EEC) No 1408/71 or in respect of which a Member State makes a declaration under that Article;

(4) Whereas the Council has a wide discretion regarding the choice of the most appropriate measures for attaining the objective of Article 51 of the Treaty; and whereas the system of coordination provided for in Regulations (EEC) No 1408/71 and (EEC) No 574/72, and in particular the rules of aggregation, are not appropriate to supplementary pension schemes, except for schemes which are covered by the term 'legislation' as defined by the first subparagraph of Article 1(j) of Regulation (EEC) No 1408/71 or in respect of which a Member State makes a declaration under that Article, and should therefore be subject to specific measures, of which this Directive is the first, in order to take account of their special nature and characteristics and the diversity of such schemes within and between Member States;

(5) Whereas no pension or benefit should be subject to both the provisions of this Directive and those of Regulations (EEC) No 1408/71 and (EEC) No 574/72, and therefore any supplementary pension scheme which comes within the scope of those Regulations, because a Member State has made a declaration to that effect under Article 1(j) of Regulation (EEC) No 1408/71, cannot be subject to the provisions of this Directive;

(6) Whereas in its Recommendation 92/442/EEC of 27 July 1992 on the convergence of social protection objectives and policies ⁽⁶⁾ the Council recommended that Member States should 'promote, where necessary, changes to the conditions governing the acquisition of pension and, especially, supplementary pension rights with a view to eliminating obstacles to the mobility of employed workers';

⁽¹⁾ OJ C 5, 9. 1. 1998, p. 4.

⁽²⁾ OJ C 152, 18. 5. 1998.

⁽³⁾ OJ C 157, 25. 5. 1998, p. 26.

⁽⁴⁾ OJ L 149, 5. 7. 1971, p. 2. Regulation as last amended by Regulation (EC) No 1223/98 (OJ L 168, 13. 6. 1998, p. 1).

⁽⁵⁾ OJ L 74, 27. 3. 1972, p. 1. Regulation as last amended by Regulation (EC) No 1223/98 (OJ L 168, 13. 6. 1998, p. 1).

⁽⁶⁾ OJ L 245, 26. 8. 1992, p. 49.

- (7) Whereas a contribution to this objective can be made if workers who move or whose place of employment moves from one Member State to another are guaranteed equal treatment as regards the protection of their supplementary pension rights with workers who remain or whose place of employment changes but remains within the same Member State;
- (8) Whereas freedom of movement for persons, which is one of the basic rights enshrined in the Treaty, is not confined to employed persons but also extends to self-employed persons;
- (9) Whereas the Treaty does not provide powers other than those of Article 235 to take appropriate measures within the field of social security for self-employed persons;
- (10) Whereas, in order to enable the right of free movement to be exercised effectively, workers and others holding entitlement should have certain guarantees for equal treatment regarding the preservation of their vested pension rights deriving from supplementary pension schemes;
- (11) Whereas the Member States should take the necessary measures to ensure that benefits under supplementary pension schemes are paid to members and former members thereof as well as others holding entitlement under such schemes in all Member States, given that all restrictions on the free movement of payments and capital are prohibited under Article 73b of the Treaty;
- (12) Whereas in order to facilitate the exercise of the right to free movement, national regulations should, where necessary, be adjusted in order to enable contributions to continue to be made to a supplementary pension scheme established in one Member State by or on behalf of workers who are posted to another Member State in accordance with Title II of Regulation (EEC) No 1408/71;
- (13) Whereas in this regard the Treaty requires not only the abolition of any discrimination based on nationality between workers of the Member States but also the elimination of any national measure likely to impede or render less attractive for those workers the exercise of the fundamental freedoms guaranteed by the Treaty as interpreted by the Court of Justice of the European Communities in successive judgments;
- (14) Whereas workers exercising their right to free movement should be adequately informed by employers, trustees or others responsible for the management of supplementary pension schemes, particularly with regard to the choices and alternatives available to them;

- (15) Whereas this Directive is without prejudice to the laws of the Member States concerning collective action to defend the interests of trades and professions;
- (16) Whereas, by reason of the diversity of supplementary social security schemes, the Community should lay down only a general framework of objectives and therefore a Directive is the appropriate legal instrument;
- (17) Whereas, in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community; whereas this Directive does not go beyond what is necessary to achieve those objectives,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

OBJECTIVE AND SCOPE

Article 1

The aim of this Directive is to protect the rights of members of supplementary pension schemes who move from one Member State to another, thereby contributing to the removal of obstacles to the free movement of employed and self-employed persons within the Community. Such protection refers to pension rights under both voluntary and compulsory supplementary pension schemes, with the exception of schemes covered by Regulation (EEC) No 1408/71.

Article 2

This Directive shall apply to members of supplementary pension schemes and others holding entitlement under such schemes who have acquired or are in the process of acquiring rights in one or more Member States.

CHAPTER II

DEFINITIONS

Article 3

For the purpose of this Directive:

- (a) 'supplementary pension' means retirement pensions and, where provided for by the rules of a supplementary pension scheme established in conformity with

national legislation and practice, invalidity and survivors' benefits, intended to supplement or replace those provided in respect of the same contingencies by statutory social security schemes;

- (b) 'supplementary pension scheme' means any occupational pension scheme established in conformity with national legislation and practice such as a group insurance contract or pay-as-you-go scheme agreed by one or more branches or sectors, funded scheme or pension promise backed by book reserves, or any collective or other comparable arrangement intended to provide a supplementary pension for employed or self-employed persons;
- (c) 'pension rights' means any benefits to which scheme members and others holding entitlement are entitled under the rules of a supplementary pension scheme and, where applicable, under national legislation;
- (d) 'vested pension rights' means any entitlement to benefits obtained after fulfilment of the conditions required by the rules of a supplementary pension scheme and, where applicable, under national legislation;
- (e) 'posted worker' means a person who is posted to work in another Member State and who under the terms of Title II of Regulation (EEC) No 1408/71 continues to be subject to the legislation of the Member State of origin, and 'posting' shall be construed accordingly;
- (f) 'contribution' means any payment made or deemed to have been made to a supplementary pension scheme.

CHAPTER III

MEASURES FOR SAFEGUARDING THE SUPPLEMENTARY PENSION RIGHTS OF WORKERS MOVING WITHIN THE COMMUNITY

Article 4

Equality of treatment as regards preservation of pension rights

Member States shall take the necessary measures to ensure the preservation of vested pension rights for members of a supplementary pension scheme in respect of whom contributions are no longer being made to that scheme as a consequence of their moving from one Member State to another, to the same extent as for members in respect of whom contributions are no longer being made but who remain within the same Member State. This Article shall also apply to other persons holding entitlement under the rules of the supplementary pension scheme in question.

Article 5

Cross border payments

Member States shall ensure that, in respect of members of supplementary pension schemes, as well as others holding entitlement under such schemes, supplementary pension

schemes make payment in other Member States, net of any taxes and transaction charges which may be applicable, of all benefits due under such schemes.

Article 6

Contributions to supplementary pension schemes by and on behalf of posted workers

1. Member States shall adopt such measures as are necessary to enable contributions to continue to be made to a supplementary pension scheme established in a Member State by or on behalf of a posted worker who is a member of such a scheme during the period of his or her posting in another Member State.
2. Where, pursuant to paragraph 1, contributions continue to be made to a supplementary pension scheme in one Member State, the posted worker and, where applicable, his employer shall be exempted from any obligation to make contributions to a supplementary pension scheme in another Member State.

Article 7

Information to scheme members

Member States shall take measures to ensure that employers, trustees or others responsible for the management of supplementary pension schemes provide adequate information to scheme members, when they move to another Member State, as to their pension rights and the choices which are available to them under the scheme. Such information shall at least correspond to information given to scheme members in respect of whom contributions cease to be made but who remain within the same Member State.

CHAPTER IV

FINAL PROVISIONS

Article 8

Member States may provide that the provisions of Article 6 shall apply only to postings that commence on or after 25 July 2001.

Article 9

Member States shall introduce into their national legal systems such measures as are necessary to enable all persons who consider themselves wronged by failure to apply the provisions of this Directive to pursue their claims by judicial process after possible recourse to other competent authorities.

Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 36 months following the date of its entry into force, or shall ensure by that date at the latest that management and labour introduce the requisite provisions by way of agreement. Member States shall take all necessary steps to enable themselves at all times to guarantee the results imposed by this Directive. They shall immediately inform the Commission thereof.

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

They shall inform the Commission of the national authorities to be contacted regarding the application of this Directive.

2. Not later than 25 January 2002 Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

3. On the basis of the information supplied by Member States, the Commission shall submit a report to the European Parliament, the Council and the Economic and Social Committee, within six years of the entry into force of this Directive.

The report shall deal with the application of this Directive and shall, where appropriate, propose any amendments that may prove necessary.

Article 11

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

Article 12

This Directive is addressed to the Member States.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

COMMISSION DIRECTIVE 98/60/EC
of 24 July 1998
amending Council Directive 74/63/EEC on the fixing of maximum permitted
levels for undesirable substances and products in feedingstuffs
(Text with EEA relevance)

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

Having regard to Council Directive 74/63/EEC of 17 December 1973 on undesirable substances and products in animal nutrition⁽¹⁾, as last amended by Commission Directive 97/8/EC⁽²⁾, and in particular Article 6 thereof,

Whereas citrus pulp pellets originating in or consigned from Brazil were found to be contaminated by dioxins at such high levels which pose a risk to human health; whereas citrus pulp pellets are used as feed material; whereas feedingstuffs contaminated by dioxins results in dioxin contamination of food products of animal origin; whereas dioxins are classified by the relevant international organisations as carcinogenic to humans; whereas it is recommended by these relevant international organisations to take measures to reduce the intake of dioxin through diet as much as is reasonably achievable; it is, therefore, appropriate to prohibit the use of citrus pulp pellets contaminated by dioxins at unacceptable levels as feedingstuff and for the production of compound feedingstuff;

Whereas all sources of contamination by dioxins at such unacceptable levels has not been possible to be determined with sufficient certainty within the short time limits available; whereas, therefore, no sufficient guarantees exist for the moment that the possible sources of contamination have been removed from the production process of citrus pulp pellets; whereas a more complete scientific assessment of the tolerable maximum level for dioxins cannot be performed within short notice; it is therefore urgent to fix provisionally the maximum limit at the detection level (500 pg I — TEQ/kg) whilst awaiting the scientific assessment of the risk involved;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I and Annex II, Part A to Directive 74/63/EEC are hereby amended as set out in the Annex to this Directive.

This provision shall be reviewed before 1 January 1999 according to the availability of evidence concerning the sources of contamination or of a scientific risk assessment.

Article 2

1. Member States shall adopt and publish not later than 31 July 1998 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof forthwith.

The provisions adopted shall apply from 1 August 1998.

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

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

Article 3

This Directive shall enter into force of the third 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, 24 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 38, 11. 2. 1974, p. 31.

⁽²⁾ OJ L 48, 19. 2. 1997, p. 22.

ANNEX

1. In Annex I, under point 'B. Products' the following point 21 is added:

'21. Dioxin (sum of PCDD and PCDF), expressed in international toxic equivalents	Citrus pulp	500 pg I — TEQ/kg (upper bound detection limit) (1),
--	-------------	--

(1) Upper bound concentrations are calculated assuming that all values of the different congeners less than the limit of detection are equal to the limit of detection.'

2. In Annex II, Part A the following point 4 is added:

'4. Dioxin (sum of PCDD and PCDF), expressed in international toxic equivalents	Citrus pulp	500 pg I — TEQ/kg (upper bound detection limit) (1),
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(1) Upper bound concentrations are calculated assuming that all values of the different congeners less than the limit of detection are equal to the limit of detection.'

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES

DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES

of 8 July 1998

appointing a member of the Court of First Instance of the European Commu-
nities

(98/472/EC, ECSC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE
EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular
Article 168a thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in
particular Article 32d thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in
particular Article 140a thereof,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 es-
tablishing a Court of First Instance of the European Communities⁽¹⁾,

Whereas the terms of office of Mr Josef Azizi, Mr Cornelius Paulus Briet, Mr Marc Jaeger,
Mr Andreas Kalogeropoulos, Mr Koenraad Lenaerts, Mr Rui Manuel Gens De Moura
Ramos, Mrs Virpi Tiili and Mr Bo Vesterdorf expire on 31 August 1998;

Whereas seven members were appointed by a Decision of the Representatives of the
Governments of the Member States on 27 May 1998;

Whereas, to complete the partial replacement of members of the Court of First Instance, it
is necessary to appoint an eighth member,

HAVE DECIDED AS FOLLOWS:

Article 1

Mr A.W.H. Meij is hereby appointed Judge to the Court of First Instance for the period
1 September 1998 to 31 August 2004.

⁽¹⁾ OJ L 319, 25. 11. 1988, p. 1 as corrected by OJ C 215, 21. 8. 1989, p. 1. Decision as last amended
by Decision 95/1/Euratom, ECSC, EC adjusting the instruments concerning the accession of new
Member States to the European Union (OJ L 1, 1. 1. 1995, p. 1).

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 8 July 1998.

The President

M. SCHEICH

COMMISSION

COMMISSION DECISION

of 15 July 1998

amending Decision 87/257/EEC on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(notified under document number C(1998) 1995)

(Text with EEA relevance)

(98/473/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾, and in particular Articles 4(1) and 18(1) thereof,

Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC⁽³⁾ as last amended by Decision 98/113/EC⁽⁴⁾; whereas that list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;

Whereas negotiations are under way to conclude an agreement with the United States on health measures to protect public health and animal health in the context of trade in livestock and products of animal origin;

Whereas this situation, progress already achieved, and the need to avoid distortion of trade justify the postponement of the deadline established for the landing of certain fresh meat, from 31 July 1998 to 31 January 1999; whereas the fixing of this date is without prejudice either to the date

of conclusion or to the content of the abovementioned agreement;

Whereas the list of establishments must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/257/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 121, 9. 5. 1987, p. 46.

⁽⁴⁾ OJ L 31, 6. 2. 1998, p. 18.

ANNEX

List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3 W	Swift & Company, Worthington, MN	×	×					×	10(a), 15, T
I-30	New Orleans Inspection Service Inc., New Orleans, LA			×					1
53	American Freezer Services, Norfolk, NE			×					1
72	Intermountain Meat, Blackfoot, ID	×	×					×	15, T
I-113	US Cold Storage, Philadelphia, PA			×					1
137	Colonial Beef Company, Philadelphia, PA		×		×		×		15
I-149	C W Storage, Albany, NY			×					1
I-182	Garden State Cold Storage Inc., Mullica Hill, NJ			×					1, TF
I-183	Blue Grass Inspection Service, Philadelphia, PA			×					1
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
244 P	Transcontinental Cold Storage, Perry, IA			×					1, TF
244 W	IBP, Waterloo, IA	×	×					×	5, 15, 17, TF
245 L	IBP, Lexington, NE	×	×		×				15
I-305	Georgia Ports Authority, Savannah, GA			×					1
I-320	South Carolina State Ports Authority, North Charleston, SC			×					1
320M	Premium Standard Foods, Milan, MO	×	×					×	T, 15
I-335	Service Cold Storage, Miami, FL			×					1
I-346	Primliks, Miami, FL			×					1
382G	Smithfield Packing Co., Norfolk, VA			×					1
410	Green Bay Dressed Beef Inc., Green Bay, WI	×			×				10, 15
532	Conagra Northern State Beef, Omaha, NE	×			×				15, 18
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	16
889 A	J.F. O'Neill Packing Co., Omaha, NE	×	×		×				14, 15
1620	Quality Pork Processors Inc., Austin, MN	×					×		7, 13, 15
E-2018	Dallas Crow Inc., Kaufman, TX	×	×					×	16
2508	The Bruss Company, Chicago, IL		×		×		×		15
3056	Termicol Inc., Wallula, WA			×					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3131	Minnesota Freezer Warehouse Company, Worthington, MN			×					1, TF
3136	Cloverleaf Cold Storage of Fairmont, Fairmont, MN			×					1, TF
3149	Milliard Refrigerated Services, Des Moines, IA			×					1, TF
3150	Beatrice Cold Storage Warehouse, Denver, CO			×					1
3157	Des Moines Cold Storage Co. Inc., Des Moines, IA			×					1, TF
3158	Freezer Services Inc., Amarillo, TX			×					1
3161	Monument Distribution Warehouse Inc., Indianapolis, IN			×					1
3170	Logansport Refrig Services, Logansport, IN			×					1
3190	American Freezer Services Inc., Fremont, NE			×					1
3198	Milliard Refrigerated Services, Denison, IA			×					1
3215	Napoleon Warehouse Inc., Napoleon, OH			×					1
3216	Freezer Services Inc. of Texas, Garden City, KS			×					1
3219	Christian Salvesen, Denver, CO			×					1
3229	Iowa Beef Processors Inc., Emporia, KS			×					1
3241	AMC Warehouses, Grand Prairie, TX			×					1
3245	United Refrigerated Services, Marshall, MO			×					1
3256	Nobel Inc., Denver, CO			×					1
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
3338	Millard Refrigerated Services, Iowa City, IA			×					1
3363	Millard Refrigerated Services, Friona, TX			×					1
3396	Americold, Bettendorf, IA			×					1
3397	Alford Refrigerated Warehouse, Richardson, TX			×					1
3398	Millard Refrigerated Services, Grand Island, NE			×					1, TF
3407	Bell Cold Storage, St Paul, MN			×					1
3431	Texas Cold Storage, Fort Worth, TX			×					1
3447	Mohawk Cold Storage Division, Wauwatosa, WI			×					1
3474	Nordic Warehouses Inc., Benson, NC			×					1
3475	Atlas Cold Storage, Green Bay, WI			×					1
3477	Northland Cold Storage, Greenbay, WI			×					1
3490	Oneida Cold Storage, Salt Lake City, UT			×					1

Approval No	Establishment/address	Category (*)							SR
		SL	CP	CS	B	SG	P	SP	
3505	Dakota Cold Storage, Huron, SD			×					1
3507	Zollinger Cold Storage Corp., Logan, UT			×					1
3535	Ashland Cold Storage Co., Chicago, IL			×					1
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			×					1
3554	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3555	Cloverleaf Cold Storage Co. (No 5), Sioux City, IA			×					1, TF
3573	Albert Lea Freezer Warehouse Co., Albert Lea, MN			×					1, TF
3610	Millard Refrigerated Services, Dodge City, KS			×					1
3688	Newport St Paul Cold Storage, Newport, MN			×					1
3707	United States Cold Storage Inc., Omaha, NE			×					1
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			×					1, TF
3748	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3854	Merchants Refrigerating Co., Vinita Park, MO			×					1
3860	Central Storage and Warehouse Inc., Eau Claire, WI			×					1
3871	York Cold Storage Co., York, NE			×					1
3910	United States Cold Storage, East Peoria, IL			×					1
3942	Wilkerson Cold Storage, Lubbock, TX			×					1
4816	Frontier Game Company, Whiteface, TX	×	×		×				15
5736 A	VMI Corporation, Omaha, NE		×		×				4, 15
E-7041	Beltex Corporation, Fort Worth, TX	×	×					×	16, 19
7271	Custom Meat Corp., Dallas, TX		×		×	×	×		15
8904	Bell Cold Storage, St Paul, MN			×					1
8984	Provimi Veal Corp., Seymour, WI	×	×		×				3, 15
9400	Taylor Packing Inc., Wyalusing, PA	×			×				2, 15
13182	Millard Refrigerated Services, Omaha, NE			×					1, TF
13225	Quality Refrigerated Services, Omaha, NE			×					1
13331	Millard Processing Services, Omaha, NE (West)			×					1, TF
13531	Gerber Foods, Inc., York, NE		×		×	×	×		15
E-15849	Cavel International, De Kalb, IL	×	×					×	16
17054	RCS/Smithfield Inc., Smithfield, VA			×					1

COMMISSION DECISION

of 16 July 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 2246)

(98/474/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

whereas it is therefore possible to issue import licences in respect of the quantities requested;

Having regard to the Treaty establishing the European Community,

Whereas the quantities, in respect of which licences may be applied for from 1 August 1998, should be fixed within the scope of the total quantity of 52 100 tonnes;

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 619/96 ⁽²⁾, and in particular Article 27 thereof,

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Directive 97/79/EC ⁽⁶⁾,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽³⁾, as amended by Regulation (EC) No 260/98 ⁽⁴⁾, and in particular Article 4 thereof,

HAS ADOPTED THIS DECISION:

Article 1

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

The following Member States shall issue on 21 July 1998 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 550,000 tonnes originating in Botswana,
- 150,000 tonnes originating in Namibia.

United Kingdom:

- 700,000 tonnes originating in Botswana,
- 14,000 tonnes originating in Swaziland,
- 370,000 tonnes originating in Zimbabwe,
- 1 000,000 tonnes originating in Namibia.

Whereas the applications for import licences submitted between 1 and 10 July 1998, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States;

⁽¹⁾ OJ L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ L 84, 3. 4. 1996, p. 22.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 42.

⁽⁵⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ L 24, 30. 1. 1998, p. 31.

Article 2

Licence applications may be submitted, pursuant to Article 3(3) of Regulation (EC) No 589/96 during the first 10 days of August 1998 for the following quantities of boned beef and veal:

— Botswana:	9 971,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 269,000 tonnes,
— Zimbabwe:	5 496,000 tonnes,
— Namibia:	8 447,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission
