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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 174/97**

**of 31 January 1997**

**fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (3) thereof,

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

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

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

eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1997.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 51.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

# ANNEX

## to the Commission Regulation of 31 January 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund<sup>(1)</sup>:

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

| (ECU/tonne)                                                                                                                             |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Cereal products <sup>(2)</sup>                                                                                                          | Amount of refund <sup>(2)</sup> |
| Maize and maize products:<br>CN codes 0709 90 60, 0712 90 19, 1005, 1102 20,<br>1103 13, 1103 29 40, 1104 19 50, 1104 23,<br>1904 10 10 | 36,06                           |
| Cereal products <sup>(2)</sup> excluding maize and maize products                                                                       | 14,28                           |

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

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

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

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

## COMMISSION REGULATION (EC) No 175/97

of 31 January 1997

fixing the export refunds on products processed from cereals and rice

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, and in particular Article 13 (3) thereof,

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

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95<sup>(4)</sup>, as amended by Regulation (EC) No 2993/95<sup>(5)</sup>, on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

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

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 147, 30. 6. 1995, p. 55.

<sup>(5)</sup> OJ No L 312, 23. 12. 1995, p. 25.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 31 January 1997 fixing the export refunds on products processed from cereals and rice

| <i>(ECU/tonne)</i>             |        | <i>(ECU/tonne)</i>             |        |
|--------------------------------|--------|--------------------------------|--------|
| Product code                   | Refund | Product code                   | Refund |
| 1102 20 10 9200 <sup>(1)</sup> | 50,48  | 1104 23 10 9100                | 54,09  |
| 1102 20 10 9400 <sup>(1)</sup> | 43,27  | 1104 23 10 9300                | 41,47  |
| 1102 20 90 9200 <sup>(1)</sup> | 43,27  | 1104 29 11 9000                | 6,62   |
| 1102 90 10 9100                | 33,11  | 1104 29 51 9000                | 6,49   |
| 1102 90 10 9900                | 22,51  | 1104 29 55 9000                | 6,49   |
| 1102 90 30 9100                | 44,68  | 1104 30 10 9000                | 1,62   |
| 1103 12 00 9100                | 44,68  | 1104 30 90 9000                | 9,02   |
| 1103 13 10 9100 <sup>(1)</sup> | 64,91  | 1107 10 11 9000                | 11,55  |
| 1103 13 10 9300 <sup>(1)</sup> | 50,48  | 1107 10 91 9000                | 39,28  |
| 1103 13 10 9500 <sup>(1)</sup> | 43,27  | 1108 11 00 9200                | 12,98  |
| 1103 13 90 9100 <sup>(1)</sup> | 43,27  | 1108 11 00 9300                | 12,98  |
| 1103 19 10 9000                | 32,42  | 1108 12 00 9200                | 57,70  |
| 1103 19 30 9100                | 34,21  | 1108 12 00 9300                | 57,70  |
| 1103 21 00 9000                | 6,62   | 1108 13 00 9200                | 57,70  |
| 1103 29 20 9000                | 22,51  | 1108 13 00 9300                | 57,70  |
| 1104 11 90 9100                | 33,11  | 1108 19 10 9200                | 34,49  |
| 1104 12 90 9100                | 49,64  | 1108 19 10 9300                | 34,49  |
| 1104 12 90 9300                | 39,71  | 1109 00 00 9100                | 0,00   |
| 1104 19 10 9000                | 6,62   | 1702 30 51 9000 <sup>(2)</sup> | 59,92  |
| 1104 19 50 9110                | 57,70  | 1702 30 59 9000 <sup>(2)</sup> | 45,87  |
| 1104 19 50 9130                | 46,88  | 1702 30 91 9000                | 59,92  |
| 1104 21 10 9100                | 33,11  | 1702 30 99 9000                | 45,87  |
| 1104 21 30 9100                | 33,11  | 1702 40 90 9000                | 45,87  |
| 1104 21 50 9100                | 44,14  | 1702 90 50 9100                | 59,92  |
| 1104 21 50 9300                | 35,31  | 1702 90 50 9900                | 45,87  |
| 1104 22 20 9100                | 39,71  | 1702 90 75 9000                | 62,79  |
| 1104 22 30 9100                | 42,19  | 1702 90 79 9000                | 43,58  |
|                                |        | 2106 90 55 9000                | 45,87  |

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

**COMMISSION REGULATION (EC) No 176/97**  
**of 31 January 1997**  
**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply**  
**of cereals products from the Community to the French overseas departments**

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

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

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 2460/96 <sup>(4)</sup>; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 356, 24. 12. 1991, p. 1.

<sup>(2)</sup> OJ No L 267, 9. 11. 1995, p. 1.

<sup>(3)</sup> OJ No L 43, 19. 2. 1992, p. 23.

<sup>(4)</sup> OJ No L 333, 21. 12. 1996, p. 50.

## ANNEX

to the Commission Regulation of 31 January 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

| Product<br>(CN code)         | <i>(Ecu/tonnes)</i> |            |                  |         |
|------------------------------|---------------------|------------|------------------|---------|
|                              | Amount of aid       |            |                  |         |
|                              | Destination         |            |                  |         |
|                              | Guadeloupe          | Martinique | French<br>Guiana | Réunion |
| Common wheat<br>(1001 90 99) | 21,00               |            | 21,00            | 24,00   |
| Barley<br>(1003 00 90)       | 35,00               | 35,00      | 35,00            | 38,00   |
| Maize<br>(1005 90 00)        | 44,00               | 44,00      | 44,00            | 47,00   |
| Durum wheat<br>(1001 10 00)  | 13,00               | 13,00      | 13,00            | 16,00   |

**COMMISSION REGULATION (EC) No 177/97**  
**of 31 January 1997**  
**amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply**  
**of cereals products from the Community to the Canary Islands**

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

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

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 2458/96 <sup>(4)</sup>; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 185, 4. 7. 1992, p. 26.

<sup>(4)</sup> OJ No L 333, 21. 12. 1996, p. 46.

## ANNEX

to the Commission Regulation of 31 January 1997 amending Regulation (EEC) No 1832/92  
setting the amounts of aid for the supply of cereals products from the Community to the  
Canary Islands

*(Ecu/tonne)*

| Product<br>(CN code) |              | Amount of aid |
|----------------------|--------------|---------------|
| Common wheat         | (1001 90 99) | 18,00         |
| Barley               | (1003 00 90) | 32,00         |
| Maize                | (1005 90 00) | 41,00         |
| Durum wheat          | (1001 10 00) | 10,00         |
| Oats                 | (1004 00 00) | 38,00         |

**COMMISSION REGULATION (EC) No 178/97**  
**of 31 January 1997**  
**amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply**  
**of cereals products from the Community to the Azores and Madeira**

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira <sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 2459/96 <sup>(4)</sup>, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 185, 4. 7. 1992, p. 28.

<sup>(4)</sup> OJ No L 333, 21. 12. 1996, p. 48.

## ANNEX

to the Commission Regulation of 31 January 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

| <i>(Ecu/tonne)</i>   |              |               |         |
|----------------------|--------------|---------------|---------|
| Product<br>(CN code) |              | Amount of aid |         |
|                      |              | Destination   |         |
|                      |              | Azores        | Madeira |
| Common wheat         | (1001 90 99) | 18            | 18      |
| Barley               | (1003 00 90) | 32            | 32      |
| Maize                | (1005 90 00) | 41            | 41      |
| Durum wheat          | (1001 10 00) | 10            | 10      |

**COMMISSION REGULATION (EC) No 179/97**  
**of 31 January 1997**  
**fixing 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 organization of the market in rice <sup>(1)</sup>, and in particular the second subparagraph of Article 13 (3) thereof,

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

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 <sup>(2)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the 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, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ No L 154, 15. 6. 1976, p. 11.

## ANNEX

## to the Commission Regulation of 31 January 1997 fixing the export refunds on rice and broken rice

| (ECU/tonne)     |                 |                   | (ECU/tonne)     |                 |                   |
|-----------------|-----------------|-------------------|-----------------|-----------------|-------------------|
| Product code    | Destination (1) | Amount of refunds | Product code    | Destination (1) | Amount of refunds |
| 1006 20 11 9000 | 01              | 197,00            | 1006 30 65 9900 | 01              | 246,00            |
| 1006 20 13 9000 | 01              | 197,00            |                 | 04              | 246,00            |
| 1006 20 15 9000 | 01              | 197,00            | 1006 30 67 9100 | —               | —                 |
| 1006 20 17 9000 | —               | —                 | 1006 30 67 9900 | —               | —                 |
| 1006 20 92 9000 | 01              | 197,00            | 1006 30 92 9100 | 01              | 246,00            |
| 1006 20 94 9000 | 01              | 197,00            |                 | 02              | 252,00            |
| 1006 20 96 9000 | 01              | 197,00            |                 | 03              | 257,00            |
| 1006 20 98 9000 | —               | —                 |                 | 04              | 246,00            |
| 1006 30 21 9000 | 01              | 197,00            | 1006 30 92 9900 | 01              | 246,00            |
| 1006 30 23 9000 | 01              | 197,00            |                 | 04              | 246,00            |
| 1006 30 25 9000 | 01              | 197,00            |                 | —               | —                 |
| 1006 30 27 9000 | —               | —                 | 1006 30 94 9100 | 01              | 246,00            |
| 1006 30 42 9000 | 01              | 197,00            |                 | 02              | 252,00            |
| 1006 30 44 9000 | 01              | 197,00            |                 | 03              | 257,00            |
| 1006 30 46 9000 | 01              | 197,00            |                 | 04              | 246,00            |
| 1006 30 48 9000 | —               | —                 | 1006 30 94 9900 | 01              | 246,00            |
| 1006 30 61 9100 | 01              | 246,00            |                 | 04              | 246,00            |
|                 | 02              | 252,00            |                 | —               | —                 |
|                 | 03              | 257,00            | 1006 30 96 9100 | 01              | 246,00            |
|                 | 04              | 246,00            |                 | 02              | 252,00            |
| 1006 30 61 9900 | 01              | 246,00            |                 | 03              | 257,00            |
|                 | 04              | 246,00            |                 | 04              | 246,00            |
| 1006 30 63 9100 | 01              | 246,00            | 1006 30 96 9900 | 01              | 246,00            |
|                 | 02              | 252,00            |                 | 04              | 246,00            |
|                 | 03              | 257,00            |                 | —               | —                 |
|                 | 04              | 246,00            | 1006 30 98 9100 | —               | —                 |
| 1006 30 63 9900 | 01              | 246,00            | 1006 30 98 9900 | —               | —                 |
|                 | 04              | 246,00            | 1006 40 00 9000 | —               | —                 |
| 1006 30 65 9100 | 01              | 246,00            |                 |                 |                   |
|                 | 02              | 252,00            |                 |                 |                   |
|                 | 03              | 257,00            |                 |                 |                   |
|                 | 04              | 246,00            |                 |                 |                   |

(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.

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

**COMMISSION REGULATION (EC) No 180/97**  
**of 31 January 1997**  
**setting the amounts of aid for the supply of rice products from the Community**  
**to the Canary Islands**

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

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

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94 <sup>(3)</sup>, as amended by Regulation (EC) No 2883/94 <sup>(4)</sup>, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(6)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural

conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 <sup>(7)</sup>, as last amended by Regulation (EC) No 1482/96 <sup>(8)</sup>;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 296, 17. 11. 1994, p. 23.

<sup>(4)</sup> OJ No L 304, 29. 11. 1994, p. 18.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX

to the Commission Regulation of 31 January 1997 setting the amounts of aid for the supply  
of rice products from the Community to the Canary Islands

| Product<br>(CN code)     | <i>(ECU/tonne)</i> |  |
|--------------------------|--------------------|--|
|                          | Amount of aid      |  |
|                          | Canary Islands     |  |
| Milled rice<br>(1006 30) | 260,00             |  |
| Broken rice<br>(1006 40) | 57,00              |  |

## COMMISSION REGULATION (EC) No 181/97

of 31 January 1997

setting the amounts of aid for the supply of rice products from the Community  
to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira<sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93<sup>(4)</sup>, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products<sup>(5)</sup>, as last amended by Regulation (EC) No 1683/94<sup>(6)</sup>, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup>, as last amended by Regulation (EC) No 150/95<sup>(8)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(9)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(10)</sup>;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 179, 1. 7. 1992, p. 6.

<sup>(4)</sup> OJ No L 238, 23. 9. 1993, p. 24.

<sup>(5)</sup> OJ No L 198, 17. 7. 1992, p. 37.

<sup>(6)</sup> OJ No L 178, 12. 7. 1994, p. 53.

<sup>(7)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(8)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(9)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(10)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX

to the Commission Regulation of 31 January 1997 setting the amounts of aid for the supply  
of rice products from the Community to the Azores and Madeira

| Product<br>(CN code)     | <i>(ECU/tonne)</i> |         |
|--------------------------|--------------------|---------|
|                          | Amount of aid      |         |
|                          | Destination        |         |
|                          | Azores             | Madeira |
| Milled rice<br>(1006 30) | 260,00             | 260,00  |

## COMMISSION REGULATION (EC) No 182/97

of 31 January 1997

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

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(3)</sup>, and in particular Article 13 (3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid<sup>(4)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

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

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

Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

*Article 3*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 288, 25. 10. 1974, p. 1.

## ANNEX

to the Commission Regulation of 31 January 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

| <i>(ECU/tonne)</i> |        |
|--------------------|--------|
| Product code       | Refund |
| 1001 10 00 9400    | 7,00   |
| 1001 90 99 9000    | 15,00  |
| 1002 00 00 9000    | 32,00  |
| 1003 00 90 9000    | 28,00  |
| 1004 00 00 9400    | 35,00  |
| 1005 90 00 9000    | 38,00  |
| 1006 30 92 9100    | 262,00 |
| 1006 30 92 9900    | 262,00 |
| 1006 30 94 9100    | 262,00 |
| 1006 30 94 9900    | 262,00 |
| 1006 30 96 9100    | 262,00 |
| 1006 30 96 9900    | 262,00 |
| 1006 30 98 9100    | 262,00 |
| 1006 30 98 9900    | 262,00 |
| 1006 40 00 9000    | —      |
| 1007 00 90 9000    | 38,00  |
| 1101 00 15 9100    | 20,50  |
| 1101 00 15 9130    | 20,50  |
| 1102 20 10 9200    | 48,94  |
| 1102 20 10 9400    | 41,95  |
| 1102 30 00 9000    | —      |
| 1102 90 10 9100    | 31,46  |
| 1103 11 10 9200    | 10,50  |
| 1103 11 90 9200    | 10,50  |
| 1103 13 10 9100    | 62,93  |
| 1103 14 00 9000    | —      |
| 1104 12 90 9100    | 47,44  |
| 1104 21 50 9100    | 41,94  |

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

**COMMISSION REGULATION (EC) No 183/97**  
**of 31 January 1997**  
**fixing the import duties in the cereals sector**

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

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

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

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 161, 29. 6. 1996, p. 125.

## ANNEX I

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

| CN code    | Description                                                    | Import duty<br>by land inland waterway<br>or sea from<br>Mediterranean,<br>the Black Sea or<br>Baltic Sea ports (ECU/tonne) | Import duty by<br>sea from other<br>ports <sup>(2)</sup><br>(ECU/tonne) |
|------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1001 10 00 | Durum wheat <sup>(1)</sup>                                     | 12,20                                                                                                                       | 2,20                                                                    |
| 1001 90 91 | Common wheat seed                                              | 34,14                                                                                                                       | 24,14                                                                   |
| 1001 90 99 | Common high quality wheat other than for sowing <sup>(3)</sup> | 34,14                                                                                                                       | 24,14                                                                   |
|            | medium quality                                                 | 39,62                                                                                                                       | 29,62                                                                   |
|            | low quality                                                    | 61,59                                                                                                                       | 51,59                                                                   |
| 1002 00 00 | Rye                                                            | 69,98                                                                                                                       | 59,98                                                                   |
| 1003 00 10 | Barley, seed                                                   | 69,98                                                                                                                       | 59,98                                                                   |
| 1003 00 90 | Barley, other <sup>(3)</sup>                                   | 69,98                                                                                                                       | 59,98                                                                   |
| 1005 10 90 | Maize seed other than hybrid                                   | 85,92                                                                                                                       | 75,92                                                                   |
| 1005 90 00 | Maize other than seed <sup>(3)</sup>                           | 85,92                                                                                                                       | 75,92                                                                   |
| 1007 00 90 | Grain sorghum other than hybrids for sowing                    | 69,98                                                                                                                       | 59,98                                                                   |

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

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

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

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

## ANNEX II

## Factors for calculating duties

(period from 15 January 1997 to 30 January 1997)

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

| Exchange quotations                   | Minneapolis | Kansas City  | Chicago | Chicago | Minneapolis | Minneapolis |
|---------------------------------------|-------------|--------------|---------|---------|-------------|-------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %  | HRW2. 11,5 % | SRW2    | YC3     | HAD2        | US barley 2 |
| Quotation (ECU/tonne)                 | 118,85      | 127,43       | 115,45  | 89,87   | 176,56 (¹)  | 118,78 (¹)  |
| Gulf premium (ECU/tonne)              | 35,77       | 21,71        | 11,71   | 12,96   | —           | —           |
| Great Lakes premium (ECU/tonne)       | —           | —            | —       | —       | —           | —           |

(¹) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,80 per tonne; Great Lakes — Rotterdam: ECU 23,22 per tonne.

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

**COMMISSION REGULATION (EC) No 184/97**  
**of 31 January 1997**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 104/97 <sup>(3)</sup>, as amended by Regulation (EC) No 156/97 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 104/97 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 104/97, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 20, 23. 1. 1997, p. 3.

<sup>(4)</sup> OJ No L 27, 30. 1. 1997, p. 5.

## ANNEX

to the Commission Regulation of 31 January 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

| Product code    | Amount of refund                |
|-----------------|---------------------------------|
|                 | — ECU/100 kg —                  |
| 1701 11 90 9100 | 39,02 <sup>(1)</sup>            |
| 1701 11 90 9910 | 37,69 <sup>(1)</sup>            |
| 1701 11 90 9950 | <sup>(2)</sup>                  |
| 1701 12 90 9100 | 39,02 <sup>(1)</sup>            |
| 1701 12 90 9910 | 37,69 <sup>(1)</sup>            |
| 1701 12 90 9950 | <sup>(2)</sup>                  |
|                 | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 9000 | 0,4242                          |
|                 | — ECU/100 kg —                  |
| 1701 99 10 9100 | 42,42                           |
| 1701 99 10 9910 | 42,42                           |
| 1701 99 10 9950 | 42,42                           |
|                 | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 9100 | 0,4242                          |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

## COMMISSION REGULATION (EC) No 185/97

of 31 January 1997

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95<sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995<sup>(2)</sup> laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96<sup>(3)</sup>, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton<sup>(4)</sup>, as last amended by Regulation (EC) No 1645/96<sup>(5)</sup>; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1683/96<sup>(6)</sup> determined estimated production for the 1996/97 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 36,078 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 58,529 per 100 kilograms in Spain,
- ECU 28,021 per 100 kilograms in Greece,
- ECU 70,222 per 100 kilograms in other Member States.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

<sup>(1)</sup> OJ No L 148, 30. 6. 1995, p. 45.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 48.

<sup>(3)</sup> OJ No L 206, 16. 8. 1996, p. 16.

<sup>(4)</sup> OJ No L 123, 4. 5. 1989, p. 23.

<sup>(5)</sup> OJ No L 207, 17. 8. 1996, p. 3.

<sup>(6)</sup> OJ No L 217, 28. 8. 1996, p. 1.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 186/97

of 31 January 1997

## fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(3)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry<sup>(4)</sup>, last amended by Commission Regulation (EC) No 1126/96<sup>(5)</sup>, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world

market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 214, 8. 9. 1995, p. 16.

<sup>(4)</sup> OJ No L 94, 9. 4. 1986, p. 9.

<sup>(5)</sup> OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 31 January 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

| Product code    | Amount of refund                     |
|-----------------|--------------------------------------|
|                 | — ECU/100 kg dry matter —            |
| 1702 40 10 9100 | 42,42 <sup>(2)</sup>                 |
| 1702 60 10 9000 | 42,42 <sup>(2)</sup>                 |
| 1702 60 90 9200 | 80,60 <sup>(4)</sup>                 |
|                 | — ECU/1 % sucrose × 100 kg —         |
| 1702 60 90 9800 | 0,4242 <sup>(1)</sup>                |
|                 | — ECU/100 kg dry matter —            |
| 1702 90 30 9000 | 42,42 <sup>(2)</sup>                 |
|                 | — ECU/1 % sucrose × 100 kg —         |
| 1702 90 60 9000 | 0,4242 <sup>(1)</sup>                |
| 1702 90 71 9000 | 0,4242 <sup>(1)</sup>                |
| 1702 90 99 9900 | 0,4242 <sup>(1)</sup> <sup>(3)</sup> |
|                 | — ECU/100 kg dry matter —            |
| 2106 90 30 9000 | 42,42 <sup>(2)</sup>                 |
|                 | — ECU/1 % sucrose × 100 kg —         |
| 2106 90 59 9000 | 0,4242 <sup>(1)</sup>                |

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

<sup>(2)</sup> Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

<sup>(3)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

<sup>(4)</sup> Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

## COMMISSION REGULATION (EC) No 187/97

of 31 January 1997

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

## ANNEX

## to the Commission Regulation of 31 January 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

| (ECU/tonne)     |                            |                  | (ECU/tonne)     |                            |                      |
|-----------------|----------------------------|------------------|-----------------|----------------------------|----------------------|
| Product code    | Destination <sup>(1)</sup> | Amount of refund | Product code    | Destination <sup>(1)</sup> | Amount of refund     |
| 0709 90 60      | —                          | —                | 1008 20 00 9000 | —                          | —                    |
| 0712 90 19      | —                          | —                | 1101 00 11 9000 | —                          | —                    |
| 1001 10 00 9200 | —                          | —                | 1101 00 15 9100 | 01                         | 20,50                |
| 1001 10 00 9400 | 01                         | 0                | 1101 00 15 9130 | 01                         | 19,50                |
| 1001 90 91 9000 | —                          | —                | 1101 00 15 9150 | 01                         | 17,50                |
| 1001 90 99 9000 | 03                         | 5,00             | 1101 00 15 9170 | 01                         | 16,50                |
|                 | 02                         | 0                | 1101 00 15 9180 | 01                         | 15,50                |
| 1002 00 00 9000 | 03                         | 22,00            | 1101 00 15 9190 | —                          | —                    |
|                 | 02                         | 0                | 1101 00 90 9000 | —                          | —                    |
| 1003 00 10 9000 | —                          | —                | 1102 10 00 9500 | 01                         | 41,00                |
| 1003 00 90 9000 | 03                         | 18,50            | 1102 10 00 9700 | —                          | —                    |
|                 | 02                         | 0                | 1102 10 00 9900 | —                          | —                    |
| 1004 00 00 9200 | —                          | —                | 1103 11 10 9200 | 01                         | 10,50 <sup>(2)</sup> |
| 1004 00 00 9400 | —                          | —                | 1103 11 10 9400 | —                          | — <sup>(2)</sup>     |
| 1005 10 90 9000 | —                          | —                | 1103 11 10 9900 | —                          | —                    |
| 1005 90 00 9000 | —                          | —                | 1103 11 90 9200 | 01                         | 10,50 <sup>(2)</sup> |
| 1007 00 90 9000 | —                          | —                | 1103 11 90 9800 | —                          | —                    |

<sup>(1)</sup> The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein.

<sup>(2)</sup> No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

**COMMISSION REGULATION (EC) No 188/97**  
**of 31 January 1997**  
**fixing the corrective amount applicable to the refund on cereals**

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(5)</sup>, as last amended by Regulation (EC) No 150/95<sup>(6)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(7)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(8)</sup>;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.  
<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.  
<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.  
<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.  
<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.  
<sup>(8)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX

to the Commission Regulation of 31 January 1997 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)

| Product code    | Destination (1) | Current | 1st period | 2nd period | 3rd period | 4th period | 5th period | 6th period |
|-----------------|-----------------|---------|------------|------------|------------|------------|------------|------------|
|                 |                 | 2       | 3          | 4          | 5          | 6          | 7          | 8          |
| 0709 90 60 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 0712 90 19 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1001 10 00 9200 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1001 10 00 9400 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1001 90 91 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1001 90 99 9000 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1002 00 00 9000 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1003 00 10 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1003 00 90 9000 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1004 00 00 9200 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1004 00 00 9400 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1005 10 90 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1005 90 00 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1007 00 90 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1008 20 00 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1101 00 11 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1101 00 15 9100 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1101 00 15 9130 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1101 00 15 9150 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1101 00 15 9170 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1101 00 15 9180 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1101 00 15 9190 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1101 00 90 9000 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1102 10 00 9500 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1102 10 00 9700 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1102 10 00 9900 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1103 11 10 9200 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1103 11 10 9400 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1103 11 10 9900 | —               | —       | —          | —          | —          | —          | —          | —          |
| 1103 11 90 9200 | 01              | 0       | 0          | 0          | 0          | 0          | —          | —          |
| 1103 11 90 9800 | —               | —       | —          | —          | —          | —          | —          | —          |

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

## COMMISSION REGULATION (EC) No 189/97

of 31 January 1997

fixing the maximum buying-in price and the quantities of beef to be bought in  
under the 175th partial invitation to tender as a general intervention measure  
pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Community,

Having regard to Council Regulation (EEC) No 805/68 of  
27 June 1968 on the common organization of the market  
in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC)  
No 2222/96 <sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No  
2456/93 of 1 September 1993 laying down detailed rules  
for the application of Council Regulation (EEC) No  
805/68 as regards the general and special intervention  
measures for beef <sup>(3)</sup>, as last amended by Regulation (EC)  
No 34/97 <sup>(4)</sup>, an invitation to tender was opened pursuant  
to Article 1 (1) of Commission Regulation (EEC) No  
1627/89 of 9 June 1989 on the buying in of beef by invi-  
tation to tender <sup>(5)</sup>, as last amended by Regulation (EC)  
No 125/97 <sup>(6)</sup>;

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

Whereas, once tenders submitted in respect of the 175th  
partial invitation to tender have been considered and  
taking account, pursuant to Article 6 (1) of Regulation  
(EEC) No 805/68, of the requirements for reasonable  
support of the market and the seasonal trend in slaugh-  
terings, the maximum buying-in price and the quantities  
which may be bought in should be fixed;

Whereas, following the buying in of forequarters, the  
price of such products should be defined on the basis of  
carcase prices;

Whereas the quantities offered at present exceed the  
quantities which may be bought in; whereas a reducing  
coefficient or, where appropriate, depending on the  
differences in prices and the quantities tendered for,  
several reducing coefficients should accordingly be

applied to the quantities which may be bought in in  
accordance with Article 13 (3) of Regulation (EEC) No  
2456/93;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the 175th partial invitation to tender opened  
pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU 273  
per 100 kg of carcasses or half-carcasses of quality  
R3,
- the price of forequarters shall be derived from the  
carcase price using the coefficient 0,80 for the  
straight cut,
- the maximum quantity of carcasses, half-carcasses or  
forequarters accepted shall be 4 651 tonnes,
- the quantities offered at a price greater than ECU  
244 and less than or equal to ECU 263 shall be  
multiplied by a coefficient of 50 %, in accordance  
with Article 13 (3) of Regulation (EEC) No  
2456/93, and those offered at a price greater than  
ECU 263 shall be multiplied by a coefficient of  
25 %;

(b) for category C:

- the maximum buying-in price shall be ECU 273  
per 100 kg of carcasses or half-carcasses of quality  
R3,
- the price of forequarters shall be derived from the  
carcase price using the coefficient 0,80 for the  
straight cut,
- the maximum quantity of carcasses, half-carcasses or  
forequarters accepted shall be 6 382 tonnes,
- the quantities offered at a price greater than ECU  
244 and less than or equal to ECU 263 shall be  
multiplied by a coefficient of 50 % in accordance  
with Article 13 (3) of Regulation (EEC) No  
2456/93 and those offered at a price greater than  
ECU 263 shall be multiplied by a coefficient of  
25 %.

*Article 2*

This Regulation shall enter into force on 3 February 1997.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 225, 4. 9. 1993, p. 4.

<sup>(4)</sup> OJ No L 8, 11. 1. 1997, p. 1.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 22, 24. 1. 1997, p. 23.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 190/97**  
**of 31 January 1997**  
**fixing the export refunds on beef and veal**

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 organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 2222/96<sup>(2)</sup>, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 32/82<sup>(3)</sup>, as last amended by Regulation (EEC) No 3169/87<sup>(4)</sup>, Regulation (EEC) No 1964/82<sup>(5)</sup>, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84<sup>(6)</sup>, as amended by Regulation (EEC) No 3169/87<sup>(7)</sup>, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed

in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

Whereas Commission Regulation (EEC) No 3846/87<sup>(8)</sup>, as last amended by Regulation (EC) No 2230/96<sup>(9)</sup>, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 4, 8. 1. 1982, p. 11.

<sup>(4)</sup> OJ No L 301, 24. 10. 1987, p. 21.

<sup>(5)</sup> OJ No L 212, 21. 7. 1982, p. 48.

<sup>(6)</sup> OJ No L 221, 18. 8. 1984, p. 28.

<sup>(7)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(8)</sup> OJ No L 366, 24. 12. 1987, p. 1.

<sup>(9)</sup> OJ No L 305, 27. 11. 1996, p. 1.

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products <sup>(1)</sup>, as amended by Regulation (EEC) No 2026/83 <sup>(2)</sup>;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the

refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I.
2. The destinations are identified in Annex II to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 62, 7. 3. 1980, p. 5.

<sup>(2)</sup> OJ No L 199, 22. 7. 1983, p. 12.

## ANNEX I

to the Council Regulation of 31 January 1997 fixing export refunds on beef

| (ECU/100 kg)        |             |                 | (ECU/100 kg)        |             |                |
|---------------------|-------------|-----------------|---------------------|-------------|----------------|
| Product code        | Destination | Refund (7)      | Product code        | Destination | Refund (7)     |
|                     |             | — Live weight — |                     |             | — Net weight — |
| 0102 10 10 9120     | 01          | 74,00           | 0201 20 20 9120     | 02          | 102,50         |
| 0102 10 10 9130     | 02          | 49,00           |                     | 03          | 71,50          |
|                     | 03          | 34,00           |                     | 04          | 35,50          |
|                     | 04          | 17,00           | 0201 20 30 9110 (1) | 02          | 101,00         |
| 0102 10 30 9120     | 01          | 74,00           |                     | 03          | 69,50          |
| 0102 10 30 9130     | 02          | 49,00           |                     | 04          | 34,00          |
|                     | 03          | 34,00           | 0201 20 30 9120     | 02          | 74,50          |
|                     | 04          | 17,00           |                     | 03          | 52,50          |
| 0102 10 90 9120     | 01          | 74,00           |                     | 04          | 26,00          |
| 0102 90 41 9100     | 02          | 65,50           | 0201 20 50 9110 (1) | 02          | 177,00         |
| 0102 90 51 9000     | 02          | 49,00           |                     | 03          | 118,00         |
|                     | 03          | 34,00           |                     | 04          | 58,50          |
|                     | 04          | 17,00           | 0201 20 50 9120     | 02          | 130,50         |
| 0102 90 59 9000     | 02          | 49,00           |                     | 03          | 90,00          |
|                     | 03          | 34,00           |                     | 04          | 45,00          |
|                     | 04          | 17,00           | 0201 20 50 9130 (1) | 02          | 101,00         |
| 0102 90 61 9000     | 02          | 49,00           |                     | 03          | 69,50          |
|                     | 03          | 34,00           |                     | 04          | 34,00          |
|                     | 04          | 17,00           | 0201 20 50 9140     | 02          | 74,50          |
| 0102 90 69 9000     | 02          | 49,00           |                     | 03          | 52,50          |
|                     | 03          | 34,00           |                     | 04          | 26,00          |
|                     | 04          | 17,00           | 0201 20 90 9700     | 02          | 74,50          |
| 0102 90 71 9000     | 02          | 65,50           |                     | 03          | 52,50          |
|                     | 03          | 43,00           |                     | 04          | 26,00          |
|                     | 04          | 21,50           | 0201 30 00 9050     | 05 (4)      | 108,00         |
| 0102 90 79 9000     | 02          | 65,50           |                     | 07 (4a)     | 108,00         |
|                     | 03          | 43,00           | 0201 30 00 9100 (2) | 02          | 246,50         |
|                     | 04          | 21,50           |                     | 03          | 169,00         |
|                     |             | — Net weight —  |                     | 04          | 84,50          |
| 0201 10 00 9110 (1) | 02          | 101,00          |                     | 06          | 216,50         |
|                     | 03          | 69,50           | 0201 30 00 9150 (6) | 08          | 131,00         |
|                     | 04          | 34,00           |                     | 09          | 120,00         |
| 0201 10 00 9120     | 02          | 74,50           |                     | 03          | 101,00         |
|                     | 03          | 52,50           |                     | 04          | 51,00          |
|                     | 04          | 26,00           |                     | 06          | 117,50         |
| 0201 10 00 9130 (1) | 02          | 139,50          | 0201 30 00 9190 (6) | 02          | 103,50         |
|                     | 03          | 93,50           |                     | 03          | 68,00          |
|                     | 04          | 47,00           |                     | 04          | 34,00          |
| 0201 10 00 9140     | 02          | 102,50          |                     | 06          | 83,00          |
|                     | 03          | 71,50           |                     |             |                |
|                     | 04          | 35,50           |                     |             |                |
| 0201 20 20 9110 (1) | 02          | 139,50          |                     |             |                |
|                     | 03          | 93,50           |                     |             |                |
|                     | 04          | 47,00           |                     |             |                |

| (ECU/100 kg)        |             |                | (ECU/100 kg)    |             |                |
|---------------------|-------------|----------------|-----------------|-------------|----------------|
| Product code        | Destination | Refund (?)     | Product code    | Destination | Refund (?)     |
|                     |             | — Net weight — |                 |             | — Net weight — |
| 0202 10 00 9100     | 02          | 74,50          | 1602 50 10 9120 | 02          | 119,00 (8)     |
|                     | 03          | 52,50          |                 | 03          | 95,50 (8)      |
|                     | 04          | 26,00          |                 | 04          | 95,50 (8)      |
| 0202 10 00 9900     | 02          | 102,50         | 1602 50 10 9140 | 02          | 105,50 (8)     |
|                     | 03          | 71,50          |                 | 03          | 84,50 (8)      |
|                     | 04          | 35,50          |                 | 04          | 84,50 (8)      |
| 0202 20 10 9000     | 02          | 102,50         | 1602 50 10 9160 | 02          | 84,50 (8)      |
|                     | 03          | 71,50          |                 | 03          | 68,00 (8)      |
|                     | 04          | 35,50          |                 | 04          | 68,00 (8)      |
| 0202 20 30 9000     | 02          | 74,50          | 1602 50 10 9170 | 02          | 56,00 (8)      |
|                     | 03          | 52,50          |                 | 03          | 45,00 (8)      |
|                     | 04          | 26,00          |                 | 04          | 45,00 (8)      |
| 0202 20 50 9100     | 02          | 130,50         | 1602 50 10 9190 | 02          | 56,00          |
|                     | 03          | 90,00          |                 | 03          | 45,00          |
|                     | 04          | 45,00          |                 | 04          | 45,00          |
| 0202 20 50 9900     | 02          | 74,50          | 1602 50 10 9240 | 02          | —              |
|                     | 03          | 52,50          |                 | 03          | —              |
|                     | 04          | 26,00          |                 | 04          | —              |
| 0202 20 90 9100     | 02          | 74,50          | 1602 50 10 9260 | 02          | —              |
|                     | 03          | 52,50          |                 | 03          | —              |
|                     | 04          | 26,00          |                 | 04          | —              |
| 0202 30 90 9100     | 05 (4)      | 108,00         | 1602 50 10 9280 | 02          | —              |
|                     | 07 (4a)     | 108,00         |                 | 03          | —              |
|                     |             |                |                 | 04          | —              |
| 0202 30 90 9400 (6) | 08          | 131,00         | 1602 50 31 9125 | 01          | 116,50 (5)     |
|                     | 09          | 120,00         | 1602 50 31 9135 | 01          | 68,00 (8)      |
|                     | 03          | 101,00         | 1602 50 31 9195 | 01          | 33,50          |
|                     | 04          | 51,00          | 1602 50 31 9325 | 01          | 104,50 (5)     |
|                     | 06          | 117,50         | 1602 50 31 9335 | 01          | 61,00 (8)      |
| 0202 30 90 9500 (6) | 02          | 103,50         | 1602 50 31 9395 | 01          | 33,50          |
|                     | 03          | 68,00          | 1602 50 39 9125 | 01          | 116,50 (5)     |
|                     | 04          | 34,00          | 1602 50 39 9135 | 01          | 68,00 (8)      |
|                     | 06          | 83,00          | 1602 50 39 9195 | 01          | 33,50          |
| 0206 10 95 9000     | 02          | 103,50         | 1602 50 39 9325 | 01          | 104,50 (5)     |
|                     | 03          | 68,00          | 1602 50 39 9335 | 01          | 61,00 (8)      |
|                     | 04          | 34,00          | 1602 50 39 9395 | 01          | 33,50          |
|                     | 06          | 83,00          | 1602 50 39 9425 | 01          | 77,00 (5)      |
| 0206 29 91 9000     | 02          | 103,50         | 1602 50 39 9435 | 01          | 45,00 (8)      |
|                     | 03          | 68,00          | 1602 50 39 9495 | 01          | 33,50          |
|                     | 04          | 34,00          | 1602 50 39 9505 | 01          | 33,50          |
|                     | 06          | 83,00          | 1602 50 39 9525 | 01          | 77,00 (5)      |
| 0210 20 90 9100     | 02          | 86,50          | 1602 50 39 9535 | 01          | 45,00 (8)      |
|                     | 04          | 51,50          | 1602 50 39 9595 | 01          | 33,50          |
| 0210 20 90 9300     | 02          | 107,00         |                 |             |                |
| 0210 20 90 9500 (3) | 02          | 107,00         |                 |             |                |

| (ECU/100 kg)    |             |                      | (ECU/100 kg)    |             |                      |
|-----------------|-------------|----------------------|-----------------|-------------|----------------------|
| Product code    | Destination | Refund (7)           | Product code    | Destination | Refund (7)           |
|                 |             | — Net weight —       |                 |             | — Net weight —       |
| 1602 50 39 9615 | 01          | 33,50                | 1602 50 80 9495 | 01          | 33,50                |
| 1602 50 39 9625 | 01          | 15,00                | 1602 50 80 9505 | 01          | 33,50                |
| 1602 50 39 9705 | 01          | 8,00                 | 1602 50 80 9515 | 01          | 15,00                |
| 1602 50 39 9805 | 01          | —                    | 1602 50 80 9535 | 01          | 45,00 <sup>(8)</sup> |
| 1602 50 39 9905 | 01          | —                    | 1602 50 80 9595 | 01          | 33,50                |
| 1602 50 80 9135 | 01          | 68,00 <sup>(8)</sup> | 1602 50 80 9615 | 01          | 33,50                |
| 1602 50 80 9195 | 01          | 33,50                | 1602 50 80 9625 | 01          | 15,00                |
| 1602 50 80 9335 | 01          | 61,00 <sup>(8)</sup> | 1602 50 80 9705 | 01          | 8,00                 |
| 1602 50 80 9395 | 01          | 33,50                | 1602 50 80 9805 | 01          | —                    |
| 1602 50 80 9435 | 01          | 45,00 <sup>(8)</sup> | 1602 50 80 9905 | 01          | —                    |

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ No L 274, 26. 10. 1996, p. 18).

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

## ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

| Zone 03                                                                                                                  | Zone 05                      | Zone 09                            |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------|
| 022 Ceuta and Melilla                                                                                                    | 400 United States of America | 224 Sudan                          |
| 024 Iceland                                                                                                              |                              | 228 Mauritania                     |
| 028 Norway                                                                                                               | Zone 06                      | 232 Mali                           |
| 041 Faroe Islands                                                                                                        |                              | 236 Burkina Faso                   |
| 043 Andorra                                                                                                              | 809 New Caledonia            | 240 Niger                          |
| 044 Gibraltar                                                                                                            | 822 French Polynesia         | 244 Chad                           |
| 045 Vatican City                                                                                                         |                              | 247 Cape Verde                     |
| 053 Estonia                                                                                                              | Zone 07                      | 248 Senegal                        |
| 054 Latvia                                                                                                               |                              | 252 Gambia                         |
| 055 Lithuania                                                                                                            | 404 Canada                   | 257 Guinea-Bissau                  |
| 060 Poland                                                                                                               |                              | 260 Guinea                         |
| 061 Czech Republic                                                                                                       | Zone 08                      | 264 Sierra Leone                   |
| 063 Slovakia                                                                                                             |                              | 268 Liberia                        |
| 064 Hungary                                                                                                              | 046 Malta                    | 272 Côte d'Ivoire                  |
| 066 Romania                                                                                                              | 052 Turkey                   | 276 Ghana                          |
| 068 Bulgaria                                                                                                             | 072 Ukraine                  | 280 Togo                           |
| 070 Albania                                                                                                              | 073 Belarus                  | 284 Benin                          |
| 091 Slovenia                                                                                                             | 074 Moldova                  | 288 Nigeria                        |
| 092 Croatia                                                                                                              | 075 Russia                   | 302 Cameroon                       |
| 093 Bosnia-Herzegovina                                                                                                   | 076 Georgia                  | 306 Central African Republic       |
| 094 Serbia and Montenegro                                                                                                | 077 Armenia                  | 310 Equatorial Guinea              |
| 096 Former Yugoslav Republic of Macedonia                                                                                | 078 Azerbaijan               | 311 Sao Tome and Principe          |
| 109 The communes of Livigno and Campione d'Italia; the island of Helgoland                                               | 079 Kazakhstan               | 314 Gabon                          |
| 406 Greenland                                                                                                            | 080 Turkmenistan             | 318 Congo                          |
| 600 Cyprus                                                                                                               | 081 Uzbekistan               | 322 Zaire                          |
| 662 Pakistan                                                                                                             | 082 Tajikistan               | 324 Rwanda                         |
| 669 Sri Lanka                                                                                                            | 083 Kirghistan               | 328 Burundi                        |
| 676 Myanmar (Burma)                                                                                                      | 204 Morocco                  | 329 St Helena and dependencies     |
| 680 Thailand                                                                                                             | 208 Algeria                  | 330 Angola                         |
| 690 Vietnam                                                                                                              | 212 Tunisia                  | 334 Ethiopia                       |
| 700 Indonesia                                                                                                            | 216 Libya                    | 336 Eritrea                        |
| 708 Philippines                                                                                                          | 220 Egypt                    | 338 Djibouti                       |
| 724 North Korea                                                                                                          | 604 Lebanon                  | 342 Somalia                        |
| 740 Hong Kong                                                                                                            | 608 Syria                    | 350 Uganda                         |
| 950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended) | 612 Iraq                     | 352 Tanzania                       |
|                                                                                                                          | 616 Iran                     | 355 Seychelles and dependencies    |
|                                                                                                                          | 624 Israel                   | 357 British Indian Ocean Territory |
|                                                                                                                          | 625 Gaza and Jericho         | 366 Mozambique                     |
|                                                                                                                          | 628 Jordan                   | 373 Mauritius                      |
|                                                                                                                          | 632 Saudi Arabia             | 375 Comoros                        |
|                                                                                                                          | 636 Kuwait                   | 377 Mayotte                        |
|                                                                                                                          | 640 Bahrain                  | 378 Zambia                         |
|                                                                                                                          | 644 Qatar                    | 386 Malawi                         |
|                                                                                                                          | 647 United Arab Emirates     | 388 South Africa                   |
|                                                                                                                          | 649 Oman                     | 395 Lesotho                        |
|                                                                                                                          | 653 Yemen                    |                                    |
|                                                                                                                          | 720 China                    |                                    |
| Zone 04                                                                                                                  |                              |                                    |
| 039 Switzerland                                                                                                          |                              |                                    |

NB: The countries are those defined by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

## COMMISSION REGULATION (EC) No 191/97

of 31 January 1997

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, 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<sup>(3)</sup>, 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<sup>(4)</sup>, as last amended by Regulation (EC) No 229/96<sup>(5)</sup>, 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<sup>(6)</sup>, 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<sup>(7)</sup>, as last amended by Regulation (EC) No 1516/95<sup>(8)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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 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 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(5)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(6)</sup> OJ No L 275, 29. 9. 1987, p. 36.

<sup>(7)</sup> OJ No L 159, 1. 7. 1993, p. 112.

<sup>(8)</sup> OJ No L 147, 30. 6. 1995, p. 49.

## ANNEX

to the Commission Regulation of 31 January 1997 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 <sup>(1)</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Rate of refund per 100 kg of basic product                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1001 10 00 | Durum wheat:<br>— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— in other cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | —<br>—                                                              |
| 1001 90 99 | Common wheat and meslin:<br>— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>— in other cases:<br>— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup><br>— — in other cases                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0,422<br>—<br>0,649                                                 |
| 1002 00 00 | Rye                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3,242                                                               |
| 1003 00 90 | Barley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2,900                                                               |
| 1004 00 00 | Oats                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2,482                                                               |
| 1005 90 00 | Maize (corn) used in the form of:<br>— starch:<br>— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup><br>— — in other cases<br>— 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 <sup>(3)</sup> :<br>— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup><br>— — in other cases<br>— other (including unprocessed)<br><br>Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:<br>— where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup><br>— in other cases | 1,403<br>3,606<br><br>0,664<br>2,867<br>3,606<br><br>1,403<br>3,606 |
| 1006 20    | Husked rice:<br>— round grain<br>— medium grain<br>— long grain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 19,375<br>17,250<br>17,250                                          |
| ex 1006 30 | Wholly-milled rice:<br>— round grain<br>— medium grain<br>— long grain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 25,000<br>25,000<br>25,000                                          |
| 1006 40 00 | Broken rice used in the form of:<br>— starch of CN code 1108 19 10:<br>— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup><br>— — in other cases<br>— other (including unprocessed)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0,131<br>2,450<br>2,450                                             |

| CN code    | Description of products <sup>(1)</sup>                                                            | Rate of refund<br>per 100 kg of basic<br>product |
|------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 1007 00 90 | Sorghum                                                                                           | 2,900                                            |
| 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 | 0,519                                            |
|            | — in other cases                                                                                  | 0,798                                            |
| 1102 10 00 | Rye flour                                                                                         | 4,442                                            |
| 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 | 0,599                                            |
|            | — in other cases                                                                                  | 0,922                                            |

<sup>(1)</sup> 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 No L 136, 31. 5. 1994, p. 5).

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

<sup>(3)</sup> For syrups of CN codes 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.

## COMMISSION REGULATION (EC) No 192/97

of 31 January 1997

fixing the rates of the refunds applicable to certain milk 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96<sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and 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 criteria for fixing the amount of such refunds<sup>(3)</sup>, as last amended by Regulation (EC) No 229/96<sup>(4)</sup>, 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 the Annex to Regulation (EEC) No 804/68;

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 Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced

skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates<sup>(5)</sup>, as last amended by Regulation (EEC) No 1435/90<sup>(6)</sup>;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs<sup>(7)</sup>, as last amended by Regulation (EC) No 531/96<sup>(8)</sup>, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(5)</sup> OJ No L 169, 18. 7. 1968, p. 6.

<sup>(6)</sup> OJ No L 138, 31. 5. 1990, p. 8.

<sup>(7)</sup> OJ No L 55, 1. 3. 1988, p. 31.

<sup>(8)</sup> OJ No L 78, 28. 3. 1996, p. 13.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

# ANNEX

to the Commission Regulation of 31 January 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

| CN code       | Description                                                                                                                                                                                                                                                                                                                                                                     | (ECU/100 kg)<br>Rate of<br>refund |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| ex 0402 10 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):<br>(a) On exportation of goods of CN code 3501<br>(b) On exportation of other goods                                                                                                                            | —<br>63,00                        |
| ex 0402 21 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):<br>(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 570/88 are exported<br>(b) On exportation of other goods             | 67,23<br>108,00                   |
| ex 0405 10    | Butter, with a fat content by weight of 82 % (PG 6):<br>(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported<br>(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat<br>(c) On exportation of other goods | 65,00<br>197,25<br>190,00         |

## COMMISSION REGULATION (EC) No 193/97

of 31 January 1997

fixing the rates of refunds applicable to certain products from the sugar sector  
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 1785/81 of 30 June 1981 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup> and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; 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<sup>(3)</sup> as last amended by Regulation (EC) No 229/96<sup>(4)</sup> 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 I to Regulation (EEC) No 1785/81;

Whereas, in accordance with 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 Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

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 Council Regulation (EEC) No 1010/86<sup>(5)</sup>, as last amended by Commission Regulation (EC) No 1126/96<sup>(6)</sup>, 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 Sugar,

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 in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(5)</sup> OJ No L 94, 9. 4. 1986, p. 9.

<sup>(6)</sup> OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

# ANNEX

to the Commission Regulation of 31 January 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

| Product                                                                                                                                                                                                                                | Rate of refund in ECU/100 kg                                                   |                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------|
|                                                                                                                                                                                                                                        | In case of advance fixing of refunds                                           | Other                                    |
| White sugar:                                                                                                                                                                                                                           |                                                                                |                                          |
| — pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94                                                                                                                                                                          | 4,80                                                                           | 4,80                                     |
| — in all other cases                                                                                                                                                                                                                   | 42,42                                                                          | 42,42                                    |
| Raw sugar:                                                                                                                                                                                                                             |                                                                                |                                          |
| — pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94                                                                                                                                                                          | 4,41                                                                           | 4,41                                     |
| — in all other cases                                                                                                                                                                                                                   | 39,03                                                                          | 39,03                                    |
| Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose): |                                                                                |                                          |
| — pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94                                                                                                                                                                          | $\frac{4,80^{(1)} \times S^{(1)}}{100}$                                        | $\frac{4,80^{(1)} \times S^{(1)}}{100}$  |
| — in all other cases                                                                                                                                                                                                                   | $\frac{42,42^{(1)} \times S^{(1)}}{100}$                                       | $\frac{42,42^{(1)} \times S^{(1)}}{100}$ |
| For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion                                                                                                        | the rate fixed above for 100 kg of white or raw sugar used for the dissolution |                                          |
| Molasses                                                                                                                                                                                                                               | —                                                                              | —                                        |
| Isoglucose <sup>(2)</sup> :                                                                                                                                                                                                            |                                                                                |                                          |
| — pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94                                                                                                                                                                          | 4,80 <sup>(3)</sup>                                                            | 4,80 <sup>(3)</sup>                      |
| — in all other cases                                                                                                                                                                                                                   | 42,42 <sup>(3)</sup>                                                           | 42,42 <sup>(3)</sup>                     |

<sup>(1)</sup> 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

<sup>(2)</sup> Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

<sup>(3)</sup> Amount of refund per 100 kilograms of dry matter.

<sup>(4)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

**COMMISSION REGULATION (EC) No 194/97**  
**of 31 January 1997**  
**setting maximum levels for certain contaminants in foodstuffs**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food<sup>(1)</sup>, and in particular Article 2 thereof,

Whereas Regulation (EEC) No 315/93 provides that maximum levels must be set for certain contaminants in order to protect public health; whereas these maximum levels must be adopted in the form of a non-exhaustive Community list which may contain levels for the same contaminant in different foodstuffs and analytical detection limits; whereas the sampling and analysis methods to be applied may be specified;

Whereas it is essential, in order to protect public health, to keep contaminant levels at contents which are toxicologically acceptable; whereas contaminants must be eliminated more thoroughly wherever possible by means of good professional practice;

Whereas vegetables have an essential nutritional function and play an important role in health protection; whereas the consumption of vegetables should therefore be encouraged by improving the quality of the products on offer;

Whereas some Member States have adopted, or are planning to adopt, maximum levels for nitrates in certain vegetables;

Whereas, in view of the disparities between Member States and the consequent risk of distortion of competition, Community measures are necessary in order to ensure market unity while abiding by the principle of proportionality;

Whereas specific measures designed to provide better control of the sources of agricultural contamination together with codes of good practice may help to reduce the contaminant levels of certain vegetables and in particular the nitrate levels;

Whereas climatic conditions, production methods and eating habits vary widely in different parts of the

Community; whereas different maximum nitrate levels should therefore be fixed for vegetables depending on the season; whereas, moreover, Member States should be allowed for a transitional period to authorize the marketing of lettuces and spinach grown and intended for consumption in their territory with nitrate levels higher than those fixed in point 1.1 of Part I of the Annex, provided, however, that the quantities present remain acceptable from the point of view of public health;

Whereas lettuce and spinach producers established in the Member States which have given the abovementioned authorizations should progressively modify their farming methods by applying the good practice recommended at national level so as to comply at the end of the transitional period with the maximum levels laid down at Community level;

Whereas it is desirable to achieve common values as soon as possible;

Whereas a study should be made, based on the available scientific data, as to whether maximum contaminant levels should be set for baby food for infants and young children;

Whereas the free movement throughout the Community of foodstuffs with contaminant levels below or equal to those fixed in the Annex should be guaranteed;

Whereas the Member States must adopt appropriate surveillance measures regarding the presence of contaminants in foodstuffs;

Whereas any maximum level adopted at Community level will have to be revised to take account of the advance of scientific and technical knowledge and improvements in production practice;

Whereas the levels set for lettuce and spinach should be reviewed and, if necessary, reduced before 1 October 1998; whereas the review will be based on the results of controls carried out by the Member States;

Whereas the Scientific Committee for Food has been consulted, in accordance with Article 3 of Regulation (EEC) No 315/93, on the provisions liable to affect public health;

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

<sup>(1)</sup> OJ No L 37, 13. 2. 1993, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation sets maximum levels for certain contaminants present in various foodstuffs.

*Article 2*

1. The products indicated in the Annex to this Regulation must not when placed on the market contain higher contaminant levels than those therein specified.

2. Member States may, where justified, authorize for a transitional period the placing on the market of lettuces and spinach grown and intended for consumption in their territory with nitrate levels higher than those set in point 1.1 of Part I of the Annex provided codes of good practice are applied to achieve gradual progress towards the levels laid down at Community level.

3. Member States shall inform the other Member States and the Commission each year of steps taken to implement paragraph 2.

*Article 3*

On the basis of the results of controls carried out by the Member States, the Commission shall proceed, before 1 October 1998 to a review of the maximum levels provided for in the Annex for lettuces and spinach; if necessary, these levels shall be reduced.

*Article 4*

The sampling and analysis methods applied shall be those specified in the Annex hereto.

*Article 5*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply from 15 February 1997. Notwithstanding Article 2, the products referred to in point 1.2 of Part I of the Annex which are already on the market on the date from which this Regulation applies and which do not conform to the provisions of this Regulation may continue to be marketed until stocks are exhausted.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## MAXIMUM LEVELS FOR CERTAIN CONTAMINANTS IN FOODSTUFFS

## I. Agricultural contaminants

## i. Nitrates

## 1.1. Fresh vegetables

| Product                                                                                | Maximum nitrate levels <sup>(1)</sup><br>(mg NO <sub>3</sub> /kg fresh product) | Sampling method                                                                              | Reference analysis method |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------|
| Spinach<br>( <i>Spinacia oleracea</i> L.)                                              | 15 February 1997 to 31 December 1998:<br>harvested 1 November to 31 March ..... | Directive 79/700/EEC <sup>(1)</sup>                                                          |                           |
|                                                                                        | harvested 1 April to 31 October .....                                           |                                                                                              |                           |
|                                                                                        | From 1 January 1999                                                             |                                                                                              |                           |
| Lettuce<br>( <i>Lactuca sativa</i> L.)<br>with the exception of open-<br>grown lettuce | harvested 1 October to 31 March .....                                           | Directive 79/700/EEC<br>However, the minimum number of<br>units per laboratory sample is ten |                           |
|                                                                                        | harvested 1 April to 30 September .....                                         |                                                                                              |                           |
|                                                                                        | harvested 1 May to 31 August .....                                              |                                                                                              |                           |

## 1.2. Other processed vegetables for consumption

| Product                                     | Maximum nitrate level <sup>(1)</sup><br>(mg NO <sub>3</sub> /kg fresh product) | Sampling method      | Reference analysis method |
|---------------------------------------------|--------------------------------------------------------------------------------|----------------------|---------------------------|
| Preserved, deep-frozen or frozen<br>spinach | 2 000                                                                          | Directive 79/700/EEC |                           |

## II. Other contaminants

<sup>(1)</sup> The maximum levels do not apply to food particularly prepared for babies and young children.

<sup>(2)</sup> Subject to review before 1 October 1998 pursuant to the provisions of Article 3.

<sup>(3)</sup> OJ No L 207, 15. 8. 1979, p. 26.

**COMMISSION REGULATION (EC) No 195/97****of 31 January 1997****determining the extent to which applications lodged in January 1997 for import  
licences for certain poultrymeat sector products pursuant to Regulation (EC) No  
2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the surplus to be added to the quantity available  
for the following period should be determined,Having regard to the Treaty establishing the European  
Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel<sup>(1)</sup>, and in particular Article 4 (5) thereof,

1. Applications for import licences for the period 1 January to 31 March 1997 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1997 applications may be lodged pursuant to Regulation (EC) No 2497/96 for import licences for a total quantity as referred to in Annex II.

*Article 2*

Whereas the applications for import licences lodged for the first quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 338, 28. 12. 1996, p. 48.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1997 |
|----------|----------------------------------------------------------------------------------------------------------|
| I1       | 100,00                                                                                                   |

*ANNEX II**(tonnes)*

| Group number | Available quantities |
|--------------|----------------------|
| I1           | 1 120,00             |

## COMMISSION REGULATION (EC) No 196/97

of 31 January 1997

laying down detailed rules for the application of Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2184/96 of 28 October 1996 concerning imports into the Community of rice originating in and coming from Egypt<sup>(1)</sup>, and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(2)</sup>, and in particular Article 11 thereof,

Whereas Regulation (EC) No 2184/96 provides that customs duties calculated in accordance with Article 11 of Regulation (EC) No 3072/95 are to be reduced by an amount equal to 25 % of the value of those duties within the limits of an annual volume of 32 000 tonnes; whereas that quantity includes all types of rice regardless of their level of processing; whereas it is therefore necessary to open the quota and to lay down certain rules for its management;

Whereas, with a view to guaranteeing proper administration of the measures, special rules should be laid down regarding the submission of applications and the issuing of licences; whereas those rules will either supplement or derogate from the provisions of Commission Regulation (EEC) No 3719/88<sup>(3)</sup>, as last amended by Regulation (EC) No 2402/96<sup>(4)</sup>;

Whereas, following Council approval of Regulation (EC) No 2184/96, Commission Regulation (EEC) No 2942/73 of 30 October 1973 on detailed rules for the application of Council Regulation (EEC) No 2412/73 concerning imports of rice from the Arab Republic of Egypt<sup>(5)</sup>, as last amended by Regulation (EC) No 1373/96<sup>(6)</sup>, should be repealed;

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

HAS ADOPTED THIS REGULATION:

## Article 1

A tariff quota per marketing year of 32 000 tonnes of rice falling within CN code 1006 originating in and coming from Egypt, benefiting from a reduction in customs duties

of an amount equal to 25 % of the value of those duties as calculated in accordance with Article 11 of Regulation (EC) No 3072/95, shall be opened in accordance with the provisions of this Regulation.

## Article 2

1. Applications for import licences shall be for a quantity not less than 100 tonnes and not more than 1 000 tonnes of rice.

2. Applications for import licences shall be accompanied by:

- proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and who is registered in the Member State in which the application is submitted,
- proof that a security of ECU 5 per tonne has been lodged with the competent authority of the Member State concerned to establish the good faith of the applicant.

## Article 3

1. The licence application and the import licence shall contain the following indications and be subject to the following conditions:

- (a) in boxes 7 and 8, the word 'Egypt' must be indicated and 'yes' must be marked with a cross;
- (b) in box 24, one of the following entries must be given:
  - Derecho de aduana reducido de 25 % [Reglamento (CE) n° 196/97]
  - Told nedsat med 25 % (Forordning (EF) nr. 196/97)
  - Um 25 % ermäßigter Zollsatz (Verordnung (EG) Nr. 196/97)
  - Δασμός μειωμένος κατά 25 % [Κανονισμός (ΕΚ) αριθ. 196/97]
  - Reduced duty by 25 % (Regulation (EC) No 196/97)
  - Droit réduit de 25 % [Règlement (CE) n° 196/97]
  - Dazio ridotto del 25 % [Regolamento (CE) n. 196/97]
  - Douanerecht verminderd met 25 % (Verordening (EG) nr. 196/97)
  - Direito reduzido em 25 % [Regulamento (CE) n° 196/97]
  - Tulli, jota on alennettu 25 % (Asetus (EY) N:o 196/97)
  - Tullsat sen nedsatt med 25 % (Förordning (EG) nr 196/97);

<sup>(1)</sup> OJ No L 292, 15. 11. 1996, p. 1.

<sup>(2)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(3)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 327, 18. 12. 1996, p. 14.

<sup>(5)</sup> OJ No L 302, 31. 10. 1973, p. 1.

<sup>(6)</sup> OJ No L 178, 17. 7. 1996, p. 5.

(c) notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence;

(d) notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

2. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95<sup>(1)</sup>, the amount of the security in respect of the import licences shall be equal to 25 % of the value of the customs duties calculated in accordance with Article 11 of Regulation (EC) No 3072/95 applicable on the date of the application.

3. Eligibility for the reduction in duties referred to in Article 1 shall be conditional upon the presentation at the time of entry for free circulation of a transport document and an EUR 1 movement certificate, in accordance with the provisions of Protocol 2 to the cooperation agreement, issued in Egypt and relating to the lot in question.

#### Article 4

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities by CN code for which import licences have been applied for and the names and addresses of the applicants.

2. Import licences shall be issued on the 11th working day following that on which the application was lodged provided that the quantity specified in Article 1 is not reached.

Notwithstanding Article 6(1) of Regulation (EC) No 1162/95, the period of validity of the import licences shall be limited to the end of the month following that in which the licence was issued, in accordance with Article 21(1) of Regulation (EEC) No 3719/88.

3. On the day on which the quantities applied for exceed that specified in Article 1 the Commission shall set a single percentage reduction in the quantities

requested and shall notify the Member States of this decision within 10 working days of the day on which applications were lodged.

4. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3(2) shall be reduced proportionately.

5. The security of good faith referred to in the second indent of Article 2(2) shall be released when the licence is issued.

#### Article 5

Member States shall notify the Commission by telex or fax:

(a) within two working days following issue, of the quantities for which licences have been issued, specifying date and name and address of holder,

(b) on the last working day of the following month, of the quantities by CN code actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on the other import licence applications in the rice sector.

#### Article 6

Article 33(5) of Regulation (EEC) No 3719/88 shall apply.

#### Article 7

Regulation (EEC) No 2942/73 is hereby repealed.

#### Article 8

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, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 117, 24. 5. 1995, p. 2.

## COMMISSION REGULATION (EC) No 197/97

of 31 January 1997

## on the issuing of export licences for fruit and vegetables without advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables<sup>(1)</sup>, as amended by Regulation (EC) No 26/97<sup>(2)</sup>, and in particular Article 5 (6) thereof,

Whereas, under Article 7 of Regulation (EC) No 2190/96, Articles 5 and 6 of Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables<sup>(3)</sup>, as last amended by Regulation (EC) No 2702/95<sup>(4)</sup>, continue to apply to licences without advance fixing as referred to in Article 5 thereof that are applied for in respect of consignments for which the export declaration is accepted before 25 November 1996;

Whereas Commission Regulation (EC) No 2196/96<sup>(5)</sup> fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges, lemons and apples;

Whereas as a consequence, for licences without advance fixing of the refund and system B licences applied for

between 25 November 1996 and 16 January 1997, a rate of refund which is lower than the indicative rate should be fixed for tomatoes, oranges, lemons and apples,

HAS ADOPTED THIS REGULATION:

*Article 1*

The reduction coefficients by which the quantities applied for must be multiplied and the rates of refund applying to export licences without advance fixing of the refund as referred to in Article 5 of Regulation (EC) No 1488/95 and system B licences as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 25 November 1996 and 16 January 1997, shall be as fixed in the Annex hereto.

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

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 292, 15. 11. 1996, p. 12.

<sup>(2)</sup> OJ No L 6, 10. 1. 1997, p. 9.

<sup>(3)</sup> OJ No L 145, 29. 6. 1995, p. 68.

<sup>(4)</sup> OJ No L 280, 23. 11. 1995, p. 30.

<sup>(5)</sup> OJ No L 293, 16. 11. 1996, p. 7.

## ANNEX

**Reduction coefficients for quantities applied for and rates of refund applicable to licences without advance fixing of the refund and system B licences applied for between 25 November 1996 and 16 January 1997**

| Product                | Reduction coefficient<br>(quantities) | Rate of refund<br>(ECU/tonne net) |
|------------------------|---------------------------------------|-----------------------------------|
| Tomatoes               | (no reduction)                        | 9,19                              |
| Shelled almonds        | (no reduction)                        | 77,90                             |
| Hazelnuts in shell     | (no reduction)                        | 91,00                             |
| Shelled hazelnuts      | (no reduction)                        | 175,60                            |
| Walnuts in shell       | (no reduction)                        | 112,90                            |
| Oranges                | (no reduction)                        | 64,80                             |
| Lemons                 | (no reduction)                        | 62,16                             |
| Table grapes           |                                       |                                   |
| Apples                 | (no reduction)                        | 30,46                             |
| Peaches and nectarines |                                       |                                   |

**COMMISSION REGULATION (EC) No 198/97****of 31 January 1997****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<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 31 January 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

*(ECU/100 kg)*

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 15                                     | 204                               | 48,1                  |
|                                                | 212                               | 114,1                 |
|                                                | 624                               | 228,9                 |
|                                                | 999                               | 130,4                 |
| 0707 00 10                                     | 053                               | 186,8                 |
|                                                | 068                               | 81,2                  |
|                                                | 999                               | 134,0                 |
| 0709 10 10                                     | 220                               | 133,0                 |
|                                                | 999                               | 133,0                 |
| 0709 90 73                                     | 052                               | 120,3                 |
|                                                | 204                               | 118,8                 |
|                                                | 628                               | 130,2                 |
|                                                | 999                               | 123,1                 |
| 0805 10 01, 0805 10 05, 0805 10 09             | 052                               | 42,7                  |
|                                                | 204                               | 43,3                  |
|                                                | 212                               | 46,4                  |
|                                                | 220                               | 32,8                  |
|                                                | 448                               | 38,3                  |
|                                                | 600                               | 60,6                  |
|                                                | 624                               | 53,4                  |
|                                                | 999                               | 45,3                  |
| 805 20 11                                      | 204                               | 71,1                  |
|                                                | 999                               | 71,1                  |
| 0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19 | 052                               | 54,6                  |
|                                                | 204                               | 79,0                  |
|                                                | 400                               | 95,8                  |
|                                                | 464                               | 117,0                 |
|                                                | 624                               | 103,9                 |
|                                                | 662                               | 56,8                  |
|                                                | 999                               | 84,5                  |
|                                                | 052                               | 72,0                  |
| 0805 30 20                                     | 528                               | 64,8                  |
|                                                | 600                               | 101,6                 |
|                                                | 999                               | 79,5                  |
|                                                | 052                               | 68,1                  |
| 0808 10 51, 0808 10 53, 0808 10 59             | 060                               | 54,8                  |
|                                                | 064                               | 45,3                  |
|                                                | 068                               | 36,2                  |
|                                                | 400                               | 84,3                  |
|                                                | 404                               | 87,8                  |
|                                                | 720                               | 47,8                  |
|                                                | 728                               | 104,6                 |
|                                                | 999                               | 66,1                  |
|                                                | 052                               | 127,5                 |
|                                                | 064                               | 51,7                  |
|                                                | 400                               | 111,1                 |
| 0808 20 31                                     | 624                               | 74,2                  |
|                                                | 999                               | 91,1                  |

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

## COMMISSION REGULATION (EC) No 199/97

of 31 January 1997

**determining the extent to which applications lodged in January 1997 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, Romania and Bulgaria can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 2699/93 <sup>(1)</sup> laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 2513/96 <sup>(2)</sup>, and in particular Article 4 (5) thereof,

Having regard to Commission Regulation (EC) No 1559/94 <sup>(3)</sup> laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community, of the one part, and Bulgaria and Romania, of the other part, as last amended by Regulation (EC) No 2513/96, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the first quarter of 1997 are, in the case of some products, for quantities less than or equal to the quantities available

and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 January to 31 March 1997 submitted under Regulations (EEC) No 2699/93 and (EC) No 1559/94 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 April to 30 June 1997 applications may be lodged pursuant to Regulations (EEC) No 2699/93 and (EC) No 1559/94 for import licences for a total quantity as referred to in Annex II.

*Article 2*

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 245, 1. 10. 1993, p. 88.

<sup>(2)</sup> OJ No L 345, 31. 12. 1996, p. 30.

<sup>(3)</sup> OJ No L 166, 1. 7. 1994, p. 62.

*ANNEX I*

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 January to 31 March 1997 |
|----------|----------------------------------------------------------------------------------------------------------|
| 1        | 5,10                                                                                                     |
| 2        | 8,80                                                                                                     |
| 4        | 100,00                                                                                                   |
| 7        | 3,41                                                                                                     |
| 8        | 10,42                                                                                                    |
| 9        | 4,20                                                                                                     |
| 10       | 100,00                                                                                                   |
| 11       | 100,00                                                                                                   |
| 12       | 12,71                                                                                                    |
| 14       | —                                                                                                        |
| 15       | 74,36                                                                                                    |
| 16       | 100,00                                                                                                   |
| 17       | —                                                                                                        |
| 18       | —                                                                                                        |
| 19       | 50,00                                                                                                    |
| 21       | 100,00                                                                                                   |
| 22       | 100,00                                                                                                   |
| 23       | 100,00                                                                                                   |
| 24       | 100,00                                                                                                   |
| 25       | —                                                                                                        |
| 26       | —                                                                                                        |
| 27       | —                                                                                                        |
| 28       | —                                                                                                        |
| 30       | —                                                                                                        |
| 31       | —                                                                                                        |
| 32       | —                                                                                                        |
| 33       | —                                                                                                        |
| 34       | —                                                                                                        |
| 35       | —                                                                                                        |
| 36       | —                                                                                                        |
| 37       | 23,23                                                                                                    |
| 38       | —                                                                                                        |
| 39       | —                                                                                                        |
| 40       | —                                                                                                        |
| 43       | 100,00                                                                                                   |

## ANNEX II

| Group No | (tonnes)                                                              |  |
|----------|-----------------------------------------------------------------------|--|
|          | Total quantity available<br>for the period<br>1 April to 30 June 1997 |  |
| 1        | 2 335,50                                                              |  |
| 2        | 332,50                                                                |  |
| 4        | 5 335,00                                                              |  |
| 7        | 2 100,00                                                              |  |
| 8        | 512,50                                                                |  |
| 9        | 512,50                                                                |  |
| 10       | 693,50                                                                |  |
| 11       | 145,00                                                                |  |
| 12       | 198,90                                                                |  |
| 14       | 875,00                                                                |  |
| 15       | 1 225,00                                                              |  |
| 16       | 700,00                                                                |  |
| 17       | 750,00                                                                |  |
| 18       | 110,00                                                                |  |
| 19       | 71,25                                                                 |  |
| 21       | 693,36                                                                |  |
| 22       | 475,00                                                                |  |
| 23       | 1 105,00                                                              |  |
| 24       | 125,00                                                                |  |
| 25       | 2 395,00                                                              |  |
| 26       | 130,00                                                                |  |
| 27       | 905,00                                                                |  |
| 28       | 78,00                                                                 |  |
| 30       | 625,00                                                                |  |
| 31       | 275,00                                                                |  |
| 32       | 345,00                                                                |  |
| 33       | 225,00                                                                |  |
| 34       | 1 215,00                                                              |  |
| 35       | 70,00                                                                 |  |
| 36       | 490,00                                                                |  |
| 37       | 49,38                                                                 |  |
| 38       | 282,01                                                                |  |
| 39       | 886,80                                                                |  |
| 40       | 165,40                                                                |  |
| 43       | 562,62                                                                |  |

## COMMISSION REGULATION (EC) No 200/97

of 31 January 1997

amending Regulation (EEC) No 3886/92 laying down detailed rules for the application of premium schemes in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2222/96 of 18 November 1996, amending Regulation (EEC) No 805/68, on the common organization of the market in beef and veal<sup>(1)</sup>, and in particular Article 2 thereof,

Whereas, on the Community market for veal, traditionally most carcasses have been sold at a weight above 120 kilograms; whereas in order to get access to the early marketing premium provided for in Article 4 (i) (1) of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(2)</sup>, as last amended by Regulation (EC) No 2222/96, and in Section 2 of Chapter V of Commission Regulation (EEC) No 3886/92 of 23 December 1992 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organization of the market in beef and repealing Regulations (EEC) No 1244/82 and (EEC) No 714/89<sup>(3)</sup>, as last amended by Regulation (EC) No 18/97<sup>(4)</sup>, veal carcasses produced in some Member States will have to be sold at a weight below 120 kilograms; whereas due to this unusual presentation of the veal product on the market temporary difficulties may be anticipated leading to relatively higher costs of disposal for such light carcasses; whereas on that background and in order for the early marketing premium to have the desired effect on the beef market a supplementary amount should be granted on those carcasses as a transitional measure in accordance with Article 2 of Regulation (EC) No 2222/96; whereas in that framework it is appropriate to provide for a differentiation of the supple-

ment with reference to certain weight groups; whereas regulation (EEC) No 3886/92 should be amended accordingly;

Whereas the above mentioned measures should in a decreasing manner apply until the end of 1997;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following subparagraph shall be added to Article 50 (3) of Regulation (EEC) No 3886/92:

'However, the two amounts of premium referred to in the first subparagraph are increased:

- (a) for animals slaughtered between 20 January and 30 June 1997, by ECU 10 per carcass weighing 110 kilograms or less and by ECU 5 per carcass weighing more than 110 kilograms but no more than 120 kilograms;
- (b) for animals slaughtered between 1 July and 31 December 1997, ECU 5 per carcass weighing 110 kilograms or less and by ECU 2,5 per carcass weighing more than 110 kilograms but no more than 120 kilograms.'

*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, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(3)</sup> OJ No L 391, 31. 12. 1992, p. 20.

<sup>(4)</sup> OJ No L 5, 9. 1. 1997, p. 17.

## COMMISSION REGULATION (EC) No 201/97

of 31 January 1997

derogating from Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector

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 organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 2222/96<sup>(2)</sup>, and in particular Articles 9 and 13 thereof,

Whereas Article 12 (6) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80<sup>(3)</sup>, as last amended by Regulation (EC) No 135/97<sup>(4)</sup>, provides for licence applications to be lodged in the first 10 days of each quarter with regard to export of beef and veal to the United States with export refunds; whereas Commission Regulation (EC) No 5/97 of 6 January 1997 suspending the advance fixing of export refunds on beef and veal<sup>(5)</sup> and Commission Regulation (EC) No 49/97 of 14 January 1997 providing for the rejection of applications for export licences in relation to products falling within the beef sector<sup>(6)</sup> have suspended and rejected applications for export licences lodged in the first 10 days of January; whereas a new period for application of licences for

export to the United States in the first quarter of 1997 should be provided as soon as possible;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. By way of derogation from Article 12 (6) of Regulation (EC) No 1445/95 the licence applications in respect of the first quarter of 1997 may be lodged only in the first 10 days of February 1997.

2. By way of derogation from Article 12 (9) of Regulation (EC) No 1445/95 licences related to the applications referred to in paragraph 1 shall be issued on 21 February 1997.

*Article 2*

This Regulation shall enter into force on the first 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, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 143, 27. 6. 1995, p. 35.

<sup>(4)</sup> OJ No L 24, 25. 1. 1997, p. 14.

<sup>(5)</sup> OJ No L 3, 7. 1. 1997, p. 3.

<sup>(6)</sup> OJ No L 12, 15. 1. 1997, p. 29.

**COMMISSION REGULATION (EC) No 202/97**  
**of 31 January 1997**

**amending Regulation (EC) No 1218/96 on partial import duty exemption for certain cereals sector products as provided for in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania**

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

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations<sup>(1)</sup>, as last amended by Regulation (EC) No 2490/96<sup>(2)</sup>, and in particular Article 8 thereof,

Whereas Regulation (EC) No 2490/96 extends the validity of Regulation (EC) No 3066/95; whereas it is therefore necessary to provide for the quantities that may be imported in 1997 under the Community tariff quotas granted to the countries in question and to replace the Annex to Commission Regulation (EC) No 1218/96<sup>(3)</sup> on partial import duty exemption for certain cereals sector products as provided for in the Agreements between the

European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1218/96 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 1997.

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

Done at Brussels, 31 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 328, 30. 12. 1995, p. 31.

<sup>(2)</sup> OJ No L 338, 28. 12. 1996, p. 13.

<sup>(3)</sup> OJ No L 161, 29. 6. 1996, p. 51.

## ANNEX

## I. Products originating in the Republic of Hungary

| CN code    | Description  | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|------------|--------------|----------------------------------------|-----------------------------------------|----------------------------------|
| 1001 10 00 | Durum wheat  | 116 000                                | 116 000                                 | 80                               |
| 1001 90 99 | Common wheat |                                        |                                         |                                  |
| 1008 20 00 | Millet       | 4 500                                  | 4 500                                   | ECU 65/tonne                     |

## II. Products originating in the Czech Republic

| CN code       | Description                        | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|---------------|------------------------------------|----------------------------------------|-----------------------------------------|----------------------------------|
| ex 1003 00 90 | Barley for malt production         | 13 700                                 | 13 700                                  | 80                               |
| 1101 00       | Wheat flour                        | 6 750                                  | 6 750                                   | 80                               |
| 1107 10 99    | Unroasted malt other than of wheat | 18 020                                 | 18 020                                  | 80                               |

## III. Products originating in the Slovak Republic

| CN code       | Description                        | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|---------------|------------------------------------|----------------------------------------|-----------------------------------------|----------------------------------|
| ex 1003 00 90 | Barley for malt production         | 6 800                                  | 6 800                                   | 80                               |
| 1101 00       | Wheat flour                        | 6 750                                  | 6 750                                   | 80                               |
| 1107 10 99    | Unroasted malt other than of wheat | 7 230                                  | 7 230                                   | 80                               |

## IV. Products originating in the Republic of Poland

| CN code    | Description | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|------------|-------------|----------------------------------------|-----------------------------------------|----------------------------------|
| 1008 10 00 | Buckwheat   | 2 175                                  | 2 175                                   | 80                               |

## V. Products originating in the Republic of Bulgaria

| CN code    | Description  | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|------------|--------------|----------------------------------------|-----------------------------------------|----------------------------------|
| 1001 90 99 | Common wheat | 1 256                                  | 1 256                                   | 80                               |
| 1008 20 00 | Millet       | 798                                    | 798                                     | 80                               |

## VI. Products originating in Romania

| CN code    | Description  | Tonnage<br>(1. 1. 1997 to 30. 6. 1997) | Tonnage<br>(1. 7. 1997 to 31. 12. 1997) | Reduction rate<br>(%) applicable |
|------------|--------------|----------------------------------------|-----------------------------------------|----------------------------------|
| 1001 90 99 | Common wheat | 11 420                                 | 11 420                                  | 80                               |

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 27 January 1997

appointing a member of the Economic and Social Committee

(97/95/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 94/660/EC, Euratom of 26 September 1994 concerning the appointment of members of the Economic and Social Committee for the period 21 September 1994 to 20 September 1998 <sup>(1)</sup>,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr Henri Dunkel communicated to the Council on 11 October 1996;

Having regard to the nominations submitted by the Luxembourg Government on 30 October 1996;

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Léon Drucker is hereby appointed a member of the Economic and Social Committee in place of Mr Henri Dunkel for the remainder of the latter's term of office, which expires on 20 September 1998.

Done at Brussels, 27 January 1997.

*For the Council*

*The President*

G. ZALM

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<sup>(1)</sup> OJ No L 257, 5. 10. 1994, p. 20.

**COUNCIL DECISION****of 27 January 1997****appointing a member of the Economic and Social Committee**

(97/96/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 94/660/EC, Euratom of 26 September 1994 concerning the appointment of members of the Economic and Social Committee for the period from 21 September 1994 to 20 September 1998 <sup>(1)</sup>,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr Camille Giacomelli, communicated to the Council on 3 June 1996;

Having regard to the nominations submitted by the Luxembourg Government on 11 November 1996;

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Lucien Jung is hereby appointed a member of the Economic and Social Committee in place of Mr Camille Giacomelli for the remainder of the latter's term of office, which expires on 20 September 1998.

Done at Brussels, 27 January 1997.

*For the Council*

*The President*

G. ZALM

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<sup>(1)</sup> OJ No L 257, 5. 10. 1994, p. 20.

**COUNCIL DECISION**  
**of 27 January 1997**  
**appointing a member of the Economic and Social Committee**  
**(97/97/EC, Euratom)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 94/660/EC, Euratom of 26 September 1994 concerning the appointment of the members of the Economic and Social Committee for the period from 21 September 1994 to 20 September 1998 <sup>(1)</sup>,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr Erland Olausson, communicated to the Council on 12 September 1996;

Having regard to the nominations submitted by the Swedish Government on 18 November 1996;

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

*Sole Article*

M. Leif Hägg is hereby appointed a member of the Economic and Social Committee in place of Mr Erland Olausson for the remainder of the latter's of office, which expires on 20 September 1998.

Done at Brussels, 27 January 1997.

*For the Council*

*The President*

G. ZALM

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<sup>(1)</sup> OJ No L 257, 5. 10. 1994, p. 20.

# COMMISSION

## COMMISSION DECISION

of 23 January 1997

concerning the placing on the market of genetically modified maize (*Zea mays* L.) with the combined modification for insecticidal properties conferred by the Bt-endotoxin gene and increased tolerance to the herbicide glufosinate ammonium pursuant to Council Directive 90/220/EEC

(Text with EEA relevance)

(97/98/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms<sup>(1)</sup>, as amended by Commission Directive 94/15/EC<sup>(2)</sup>, and in particular Article 13 thereof,

Whereas Articles 10 to 18 of Directive 90/220/EEC lay down a Community procedure enabling the competent authority of a Member State to give consent to the placing on the market of products consisting of genetically modified organisms;

Whereas a notification concerning the placing on the market of such a product has been submitted to the competent authority of a Member State (France);

Whereas the competent authority of France subsequently forwarded the dossier to the Commission with a favourable opinion; whereas the competent authorities of other Member States have raised objections to the said dossier;

Whereas, therefore, in accordance with Article 13 (3) of Directive 90/220/EEC, the Commission is required to take a decision in accordance with the procedure provided for in Article 21 of that Directive;

Whereas, having examined each objection in the light of the provisions of Directive 90/220/EEC and analysed the information supplied in the dossier, the Commission reached the following conclusions:

- the applicant provided information on all the newly introduced genes, and not only those expressed,
- the risk assessment took account of all the introduced genes whether expressed or not. Assessment was also made in this case of the risks from the presence of the non-expressed  $\beta$ -lactamase gene with a bacterial promoter,
- in the case of products intended for use as human food or animal feed, risk assessment under Directive 90/220/EEC determines whether the genetic modification is liable to result in any toxic or other harmful effects for human health and the environment,
- there is no reason to believe that the introduction of these genes into maize will have any adverse effects on human health or the environment,
- possible development of resistance to the truncated CryIA(b) protein in insects cannot be considered an adverse environmental effect, as existing agricultural means of controlling such resistant species of insects will still be available,
- there are no safety grounds for mentioning on the label that the product has been obtained by genetic modification techniques,
- the label should indicate that the plants have increased tolerance to the herbicide glufosinate ammonium;

Whereas authorization of chemical herbicides, and assessment of how their use impacts on human health and the environment, are governed by Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(3)</sup>, as last amended by Commission Directive 96/68/EC<sup>(4)</sup>, and not by Directive 90/220/EEC;

<sup>(1)</sup> OJ No L 117, 8. 5. 1990, p. 15.

<sup>(2)</sup> OJ No L 103, 22. 4. 1994, p. 20.

<sup>(3)</sup> OJ No L 230, 19. 8. 1991, p. 1.

<sup>(4)</sup> OJ No L 277, 30. 10. 1996, p. 25.

Whereas the product under consideration has been notified for unrestricted use, including human food and animal feed;

Whereas this Decision does not exclude the application, in compliance with Community law, of Member State provisions on human food or animal feed safety to the extent that they are not specifically related to the genetic modification of the product or its components;

Whereas Article 11 (6) and Article 16 (1) of Directive 90/220/EEC provide additional safeguards if new information on risks presented by the product becomes available;

Whereas the committee set up by Article 21 of Directive 90/220/EEC and consulted by written procedure on 8 March 1996 has not delivered an opinion on the measures laid down in a draft Commission decision;

Whereas the Council did not take a decision on a proposal from the Commission within the time provided for in the fifth paragraph of Article 21 of Directive 90/220/EEC; whereas, consequently, it falls to the Commission to adopt the proposed measures;

Whereas the respective opinions of the Scientific Committee for Animal Nutrition established by Commission Decision 76/791/EEC<sup>(1)</sup>, that of the Scientific Committee for Food established by Commission Decision 95/273/EC<sup>(2)</sup> and finally that of the Scientific Committee for Pesticides established by Commission Decision 78/436/EEC<sup>(3)</sup>, asked by the Commission to confirm that there is no reason to believe that the introduction of the genes concerned into the maize would have any adverse effects on human health or on the environment, did not identify any new elements which would justify any different decision,

HAS ADOPTED THIS DECISION:

#### Article 1

1. Without prejudice to other Community legislation and subject to paragraphs 2 and 3, the French authorities shall give consent to the placing on the market of the following product, notified by Ciba-Geigy Limited (Ref.

C/F/94/11-03), in accordance with Article 13 of Directive 90/220/EEC.

The product consists of inbred lines and hybrids derived from a maize (*Zea mays L.*) line (CG 00256-176) which has been transformed using plasmids containing:

- (i) one copy of the *bar* gene, from *Streptomyces hygroscopicus*, (encoding a phosphinothricin acetyltransferase), under the regulation of the 35S promoter and the 35S terminator from the cauliflower mosaic virus (CaMV);
- (ii) two copies of a synthetic truncated gene encoding an insect control protein representing the active portion of the CryIA(b)  $\delta$ -endotoxin, from *Bacillus thuringiensis subsp. kurstaki* strain HD1-9 and containing intron # 9 from the maize phosphoenolpyruvate carboxylase gene;  
the first copy is under the regulation of a promoter from the maize phosphoenolpyruvate carboxylase gene and the CaMV 35S terminator, and the second copy under the regulation of a promoter derived from a maize calcium-dependent protein kinase gene and the CaMV 35S terminator;
- (iii) the prokaryotic gene *bla* (coding for a  $\beta$ -lactamase conferring resistance to ampicillin) under prokaryotic promoter.

2. The consent covers any progeny derived from crosses of this product with any traditionally bred maize.

3. Without prejudice to other labelling required by Community legislation, the label of each package of seeds shall indicate that the product:

- protects itself against corn borers, and
- has increased tolerance to the herbicide glufosinate-ammonium.

#### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 January 1997.

For the Commission

Ritt BIERREGAARD

Member of the Commission

<sup>(1)</sup> OJ No L 279, 9. 10. 1976, p. 35.

<sup>(2)</sup> OJ No L 167, 18. 7. 1995, p. 22.

<sup>(3)</sup> OJ No L 124, 12. 5. 1978, p. 16.