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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 443/97 of 3 March 1997 on operations to aid uprooted people in Asian and Latin American developing countries** 1
- Commission Regulation (EC) No 444/97 of 7 March 1997 on the supply of milk products as food aid 5
- Commission Regulation (EC) No 445/97 of 7 March 1997 on the supply of cereals as food aid 9
- Commission Regulation (EC) No 446/97 of 7 March 1997 on the supply of vegetable oil as food aid 12
- ★ **Commission Regulation (EC) No 447/97 of 7 March 1997 establishing Community quantitative limits on re-importation into the European Community of certain textile products originating in the People's Republic of China after outward processing operations in that country and amending the table appended to Annex VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries** 16
- ★ **Commission Regulation (EC) No 448/97 of 7 March 1997 derogating, for certain regions in Italy, from the trading standards set for artichokes** 17
- Commission Regulation (EC) No 449/97 of 7 March 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 18
- Commission Regulation (EC) No 450/97 of 7 March 1997 amending representative prices and additional duties for the import of certain products in the sugar sector 20
- Commission Regulation (EC) No 451/97 of 7 March 1997 fixing the agricultural conversion rates 22

- ★ **Commission Directive 97/10/EC of 26 February 1997 adapting to technical progress for the 3rd time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (CMRs)(⁽¹⁾)** 24
-

II *Acts whose publication is not obligatory*

Commission

97/170/EC:

- ★ **Commission Decision of 18 February 1997 amending Decision 95/94/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries (⁽¹⁾)** 27

97/171/EC:

- ★ **Commission Decision of 7 March 1997 on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC (⁽¹⁾)** 29

(⁽¹⁾) Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 443/97**of 3 March 1997****on operations to aid uprooted people in Asian and Latin American developing countries**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Acting in accordance with the procedure referred to in Article 189c of the Treaty ⁽²⁾,

other aid donors, non-governmental organizations (NGOs) and United Nations agencies;

(1) Having regard to the Convention relating to the Status of Refugees adopted on 28 July 1951 by the United Nations Conference on the Status of Refugees and Stateless Persons, as well as the New York Protocol adopted on 31 January 1967 and other resolutions adopted by the United Nations on refugee policy,

(2) Having regard to the Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Convention on the Rights of the Child of 1989,

(3) Having regard to the Resolution of the European Parliament of 16 December 1983 on assistance to refugees in developing countries and its subsequent resolutions,

(4) Whereas both the European Parliament and the Council have called for greater effort on the part of the Community in this field;

(5) Whereas the effectiveness of aid programmes for uprooted people (refugees, displaced persons, returnees and demobilized soldiers) is dependent on the coordination of aid at European level and with

(6) Whereas there is a need to step up efforts to prevent conflict and to promote peaceful solutions to political conflicts or wars that cause population displacements;

(7) Whereas specialized bodies and agencies and NGOs implementing such operations have gained considerable experience in providing assistance to uprooted people;

(8) Whereas the Community wishes aid for uprooted people to be provided in such a way as to help them move from subsistence to self-sufficiency, namely to make them less dependent, help them reintegrate or re-settle by means of operations to develop self-sufficiency through farming, livestock-rearing, fish-farming, the setting-up of credit systems, basic education and vocational training and decent standards of health and hygiene;

(9) Whereas this type of aid is a prerequisite for development and thus makes a major contribution towards achieving the Community's cooperation policy objectives under Article 130u of the Treaty;

(10) Whereas the budget authority has entered in the budget a heading intended to finance operations to aid uprooted people (refugees, displaced persons, returnees and demobilized soldiers) in developing countries;

(11) Whereas a financial reference amount, within the meaning of point 2 of the declaration of the European Parliament, the Council and the Commission of 6 March 1995 ⁽³⁾, is entered in this Regulation for the period from 1996 to 1999, without affecting the powers of the budgetary authority defined by the Treaty;

⁽¹⁾ OJ No C 237, 12. 9. 1995, p. 19.

⁽²⁾ Opinion of the European Parliament of 16 February 1996 (OJ No C 65, 4. 3. 1996, p. 215), Council common position of 27 June 1996 (OJ No C 264, 11. 9. 1996, p. 15) and Decision of the European Parliament of 12 November 1996 (OJ No C 20, 20. 1. 1997).

⁽³⁾ OJ No C 102, 4. 4. 1996, p. 4.

- (12) Whereas administrative rules and procedures applicable to cooperation operations to contribute to the self-sufficiency of uprooted people (refugees, displaced persons, returnees and demobilized soldiers) should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall implement a programme of support and assistance to uprooted people referred to in Article 4 to contribute to the urgent requirements not covered by humanitarian aid and for the longer term realization of projects and action programmes aimed at the self-sufficiency and integration or reintegration of such people.

The establishment of democratic structures and the promotion of human rights shall form part of the assistance programmes.

Article 2

In this context, the Community shall support viable projects for subsistence, self-sufficiency and reinsertion into the socio-economic fabric of refugees and displaced persons, returnees and demobilized soldiers. To this end, operations shall cover *inter alia* mine clearance, combating sexual violence, operations to help people recover their property and property rights and aid concerning the judicial settlement of cases where the human rights of displaced persons have been violated, support to local host communities and areas to which refugees return to facilitate acceptance and integration of uprooted people and support for their return and settlement in the countries of origin or in third countries and, where appropriate, shall support reconciliation.

All the groups concerned, together with the local population receiving refugees and displaced persons, shall take part in the assessment of needs and in the implementation of the assistance programmes.

Article 3

Operations carried out under this Regulation shall be complementary to those provided for by other Community instruments governing development cooperation.

Article 4

1. The final beneficiaries of the operations mentioned in Article 2 shall be uprooted people (refugees, displaced persons, returnees and demobilized soldiers) in the developing countries of Asia and Latin America and persons from one of these countries provisionally settled

in another developing country and, in duly justified, exceptional cases, in another third country:

- (a) refugees as defined in the Convention relating to the Status of Refugees adopted on 28 July 1951 by the United Nations Conference on the Status of Refugees and Stateless Persons;
- (b) 'displaced persons': persons who were forced to seek refuge outside their region of origin owing to conflict situations but who do not enjoy refugee status as defined by the 1951 Convention;
- (c) 'returnees': persons who were formerly refugees or displaced persons who have returned to their country or region of origin.

2. Aid shall also be available for:

- (a) the local population of the host territories particularly affected, whose economic and administrative resources contribute to receiving and assisting refugees and displaced persons and to carrying out longer-term projects designed to bring about their self-sufficiency and integration or reintegration;
- (b) former combatants from regular armies and demobilized armed opposition movements, plus their families and, where appropriate, their local communities.

Article 5

Partners in cooperation who may obtain financial support under this Regulation shall be regional and international organizations, including United Nations agencies, non-governmental organizations, national, provincial and local administrations and official bodies, community-based organizations and public or private institutes and operators.

Article 6

1. Community financing of the operations referred to in Article 1 shall cover a period of four years (1996 to 1999).

The financial reference amount for the implementation of this programme for the period 1996 to 1999 shall be ECU 240 million.

Annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

2. The budget authority shall determine the appropriations available for each financial year taking account of the principles of sound financial management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

Article 7

1. The means deployed in implementing operations referred to in Article 1 shall include studies (which, as far

as possible, shall be assigned to experts from the host country), technical assistance, training and other services, supplies, works, and audits and evaluation and monitoring missions.

2. Community financing may also cover investment expenditure, excluding the purchase of real estate, and, in duly justified cases and taking into account the fact that the project must, as far as possible, aim at medium-term viability, recurring expenditure (which includes administrative expenditure, maintenance and running costs) so that maximum use is made of the investments mentioned in paragraph 1, the operation of which temporarily represents a burden for the person associated.

3. A financial contribution from the partners defined in Article 5 shall be sought for each cooperation operation. This contribution will be requested within the limits of the possibilities available to the partners concerned and depending on the nature of the operation. In specific cases and when the partner is either an NGO or a community-based organization, the contribution may be made in kind.

4. Opportunities may be sought for co-financing with other fund providers, and especially with Member States.

5. The necessary measures shall be taken to emphasize the Community character of aid provided under this Regulation.

6. In order to achieve the objectives of consistency and complementarity referred to in the Treaty and with the aim of guaranteeing optimum effectiveness of all these operations, the Commission may take all the necessary coordination measures, including in particular:

- (a) the establishment of a system for the systematic exchange and analysis of information on the operations financed and those which the Community and the Member States propose to finance;
- (b) on-the-spot coordination of the implementation of operations through regular meetings and exchanges of information between representatives of the Commission and of the Member States in the beneficiary country.

7. The Commission, in liaison with the Member States, may take any initiative necessary for ensuring proper coordination with the other providers of funds concerned, in particular those forming part of the United Nations system, including the High Commissioner for Refugees.

Article 8

Financial aid under this Regulation shall take the form of grants.

Article 9

1. The Commission shall be responsible for appraising, deciding and administering the operations covered by this

Regulation in accordance with the budgetary and other procedures in force, in particular those laid down by the Financial Regulation applicable to the general budget of the European Communities.

2. Project and programme appraisal shall take into account the following factors:

- effectiveness and viability of operations,
- cultural, social, gender and environment aspects,
- institutional development necessary to achieve project goals,
- experience gained from operations of the same kind.

3. Decisions relating to grants of more than ECU 2 million for individual operations financed under this Regulation shall be adopted in accordance with the procedure laid down in Article 10.

The Commission shall inform the Committee referred to in Article 10 succinctly of the financing decisions which it intends to take with regard to projects and programmes of less than ECU 2 million in value. This information shall be made available not later than one week before the decision is taken.

4. The Commission shall be authorized to approve, without recourse to the opinion of the Committee provided for in Article 10, any supplementary commitments needed for covering expected or real cost overruns in connection with the operations, where the overrun or additional requirement is less than or equal to 20 % of the initial commitment laid down by the financing decision.

Where the supplementary commitment referred to in the first subparagraph is less than ECU 4 million, the Committee referred to in Article 10 shall be informed of the decision taken by the Commission. Where the supplementary commitment referred to in the first subparagraph is greater than ECU 4 million but less than 20 %, the Committee will be asked to give its opinion.

5. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, in particular those of the Financial Regulation applicable to the general budget of the European Communities.

6. Where operations are the subject of financing agreements between the Community and the recipient countries or countries of origin, such agreements shall stipulate that the payment of taxes, duties and other charges is not to be covered by the Community.

7. Participation in invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and of the recipient country. It may be extended to other developing countries and, in duly justified exceptional cases, to other third countries.

8. Supplies shall originate in the Member States, the recipient country, or other developing countries. In duly justified exceptional cases supplies may originate elsewhere.

Article 10

1. The Commission shall be assisted by the Committee set up under Article 15 of Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America⁽¹⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If on the expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11

An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission on the general guidelines for the operations

to be carried out in the year ahead, within the framework of the Committee mentioned in Article 10 (1).

Article 12

After each budget year, the Commission shall submit an annual report to the European Parliament and to the Council, summarizing the operations financed in the course of that year and evaluating the implementation of this Regulation over that period.

The summary shall in particular provide information about those with whom contracts have been concluded.

The report shall also summarize any independent evaluations of specific operations.

The Commission shall inform the Member States, within one month at the latest after taking its decision, of operations and projects approved, with information as to the amounts, nature, recipient countries and partners.

Article 13

The Commission shall regularly assess operations financed by the Community with a view to establishing whether the objectives aimed at by such operations have been achieved and to provide guidelines for improving the effectiveness of future operations. The Commission shall submit to the Committee a summary of the assessments made which, if appropriate, may be examined by the Committee. The assessment reports shall be available to any Member States requesting them.

Article 14

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

It shall apply until 31 December 1999.

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

Done at Brussels, 3 March 1997.

For the Council

The President

M. DE BOER

⁽¹⁾ OJ No L 52, 27. 2. 1992, p. 1.

COMMISSION REGULATION (EC) No 444/97
of 7 March 1997
on the supply of milk products as food aid

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

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

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

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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

Article 2

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

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation No** ⁽¹⁾: see Annex II
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.B.(1))
8. **Total quantity (tonnes)**: 511
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 267, 13. 9. 1996, p. 1 (6.3 A and B.2)
see OJ No C 114, 29. 4. 1991, p. 1 (I.B.(3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment ⁽⁹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 21. 4 to 11. 5. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 24. 3. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 4. 1997
 - (b) period for making the goods available at the port of shipment: 5 to 25. 5. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard
Bâtiment Loi 130, bureau 7/46
Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
Tlx: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽¹⁾: refund applicable on 26. 2. 1997, fixed by Commission Regulation (EC) No 166/97 (OJ No L 29, 31. 1. 1997, p. 19)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate (A9 + A10: + expiry date),
 - veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.
- (⁷) Notwithstanding OJ No C 114, point I.B.3 (c) is replaced by the following: 'the words "European Community"'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.
- (⁹) The supplier should send a duplicate of the original invoice to: Scheuer Assurantie, Postbus 1315, NL-1000 BH Amsterdam.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	País de destino	Língua a utilizar na rotulagem
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelseland	Märkning på följande språk
A	511	A 1: 150	44/95	Inde	English
		A 2: 15	1353/95	Inde	English
		A 3: 99	1354/95	Inde	English
		A 4: 30	1355/95	Inde	English
		A 5: 45	1356/95	Inde	English
		A 6: 45	1357/95	Inde	English
		A 7: 52	1358/95	Inde	English
		A 8: 30	1359/95	Inde	English
		A 9: 15	1439/95	Perú	Español
		A10: 30	1440/95	Perú	Español

COMMISSION REGULATION (EC) No 445/97
of 7 March 1997
on the supply of cereals as food aid

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

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

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

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of

supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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

Article 2

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

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 122/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Cape Verde
4. **Representative of the recipient**: Moave, Moagem de Cabo Verde SARL, avenue Marginal, BP 90, São Vicente (Tel: (238) 31 55 29/31 52 15, fax: 31 30 77, telex: 3082 (contact: Sr. Euclides Oliveira))
5. **Place or country of destination** ⁽³⁾: Cape Verde
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II A (1) (a))
8. **Total quantity (tonnes)**: 4 000
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁶⁾: see OJ No C 267, 13. 9. 1996, p. 1 (I.0 A (1) (c) (2) (c) and B (2))
see OJ No C 114, 29. 4. 1991, p. 1 (II. A (3))
Language to be used for the marking: Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Silo Moave port de Mindelo, São Vicente
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 14 — 27. 4. 1997
18. **Deadline for the supply**: 18. 5. 1997
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 24. 3. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 8. 4. 1997 (12 noon (Brussels time))
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 28. 4 — 11. 5. 1997
 - (c) deadline for the supply: 1. 6. 1997
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels, telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 21. 3. 1997, fixed by Commission Regulation (EC) No 370/97 (OJ No L 60, 1. 3. 1997, p. 16)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium -134 and -137 and iodine -131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) Commission delegation to be contacted by the successful tenderer: see OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) Notwithstanding OJ No C 114, points IIA(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.

COMMISSION REGULATION (EC) No 446/97
of 7 March 1997
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾;

Whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, in order to ensure that the supplies are carried out for lot B, provision should be made for tenderers to

be able to mobilize either rape-seed oil or sunflower oil; whereas the contract for the supply of such each lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The supply shall cover the mobilization of vegetable oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders relating to lot B shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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

Article 2

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

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation Nos** ⁽¹⁾: 1207/95 (A1); 1208/95 (A2); 1209/95 (A3); 1210/95 (A4); 1211/95 (A5); 1229/95 (A6); 1389/95 (A7)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: India
6. **Product to be mobilized**: refined soya-bean oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽¹¹⁾: —
8. **Total quantity (tonnes)**: 825
9. **Number of lots**: One in seven parts (A1: 120 tonnes; A2: 30 tonnes; A3: 45 tonnes; A4: 45 tonnes; A5: 442 tonnes; A6: 45 tonnes; A7: 98 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: see OJ No C 267, 13. 9. 1996, p. 1 (10.4 A, B and C 2)
see OJ No C 114, 29. 4. 1991, p. 1 (III.A (3))
Language to be used for the marking: English
11. **Method of mobilization**: mobilization of refined soya-bean oil produced in the Community
Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 21. 4 — 11. 5. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 24. 3. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 8. 4. 1997 (12 noon (Brussels time))
 - (b) period for making the goods available at the port of shipment: 5 — 25. 5. 1997
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively))
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: —

LOT B

1. **Operation No** ⁽¹⁾: 123/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Cape Verde
4. **Representative of the recipient**: Empresa Pública de Abastecimento de Cabo Verde (EMPA), PO Box 107, Achada Grande (tel: (238) 61 56 28/61 56 31; fax: 61 14 60; telex: 6054; contact person: Aguinaldo do Rosário)
5. **Place or country of destination** ⁽³⁾: Cape Verde
6. **Product to be mobilized**: vegetable oil; refined rape-seed oil or refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽¹⁰⁾:
see OJ No C 114, 29. 4. 1991, p. 1 (III.A (1) (a) or (b))
8. **Total quantity (tonnes net)**: 1 100
9. **Number of lots**: 1 in 2 parts (B1: 400 tonnes; B2: 700 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾:
see OJ No C 267, 13. 9. 1996, p. 1 (10. 8 A, B and C (2))
see OJ No C 114, 29. 4. 1991, p. 1 (III.A (3))
Language to be used for the marking: Portuguese
11. **Method of mobilization**: mobilization of refined vegetable oil produced in the Community.
Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: B1: Mindelo; B2: Praia
16. **Address of the warehouse and, if appropriate, port of landing**: Magasins EMPA à: B1: São Vicente; B2: Praia
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 28. 4 — 11. 5. 1997
18. **Deadline for the supply**: 1. 6. 1997
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 24. 3. 1997 12 noon (Brussels time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 8. 4. 1997 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 12 — 25. 5. 1997
 - (c) deadline for the supply: 15. 6. 1997
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels, Telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: —

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium -134 and -137 and iodine -131 levels.
- (⁴) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) Notwithstanding OJ No C 114, point III.A (3) (c) is replaced by the following: 'the words "European Community"'.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (⁸) Shipment to take place in 20-foot containers, FCL/FCL.
- The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The beneficiary will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer must seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
- (⁹) The free holding period for containers must be at least 15 days.
- (¹⁰) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (¹¹) Refined soya-bean oil meeting the following criteria:
- appearance, at room temperature: clear and brilliant,
 - flavour and odour: bland,
 - free fatty acids: maximum 0,1 %,
 - water and impurities: maximum 0,05 %,
 - colour, Lovibond 5 1/4" (red/yellow): maximum 1,5/15,
 - peroxide value (meq/kg): maximum 2,0,
 - specific gravity at 20 °C: 0,91 to 0,93 g/cm³,
 - refractive index at 20 °C: 1,470 to 1,476,
 - iodine value (Wijs): 125 to 140 g/100 g.
-

**COMMISSION REGULATION (EC) No 447/97
of 7 March 1997**

establishing Community quantitative limits on re-importation into the European Community of certain textile products originating in the People's Republic of China after outward processing operations in that country and amending the table appended to Annex VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) No 152/97⁽²⁾, and in particular Article 2 of Annex VII in conjunction with Article 17 thereof,

Whereas Article 2 of Annex VII to Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits on re-importation into the Community of certain textile products after outward processing operations in certain third countries may be established;

Whereas Article 2 of Annex VII to Regulation (EEC) No 3030/93 stipulates that quantitative limits on re-imports may be established for textile products which are subject to the quantitative limits laid down in Article 2 of that Regulation;

Whereas a request has been put to the Commission by certain Member States concerning the introduction for 1997 of quantitative limits on reimportation into the Community of certain textile products (categories 159 and 161) originating in the People's Republic of China after outward processing operations in that country; whereas direct imports of textile products falling within categories

159 and 161 are subject to the quantitative limits laid down in Article 2 of Regulation (EEC) No 3030/93;

Whereas this request is in the Community interest; whereas it is appropriate to establish, for 1997, quantitative limits on the re-importation into the Community of certain textile products (categories 159 and 161) originating in the People's Republic of China after outward processing operations in that country; whereas the table appended to Annex VII to Regulation (EEC) No 3030/93 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community quantitative limits applicable in 1997 to textile products of categories 159 and 161 originating in the People's Republic of China are hereby set at 8 and 15 tonnes respectively.
2. The table appended to Annex VII to Regulation (EEC) No 3030/93 is hereby amended accordingly.

Article 2

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

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

Done at Brussels, 7 March 1997.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 26, 29. 1. 1997, p. 8.

COMMISSION REGULATION (EC) No 448/97

of 7 March 1997

**derogating, for certain regions in Italy, from the trading standards set for
artichokes**

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 3 (3) thereof,

Whereas Commission Regulation No 58 of 15 June 1962 laying down common quality standards for certain fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 920/89⁽³⁾, lays down trading standards for artichokes; whereas these standards include precise rules on the packaging and presentation of these products;

Whereas Article 3 (3) of Regulation (EC) No 2200/96 allows for derogation from the standards in force in cases where the fruit or vegetables of a given region are sold by the retail trade of the region for well-established traditional local consumption;

Whereas the artichokes produced in the regions of Sicilia, Puglia, Sardegna, Campania, Lazio and Toscana are traditionally sold in the region of production in bunches surrounded by leaves and with stems of approximately 30 centimetres; whereas the Italian authorities have applied to the Commission for derogation from the standards in force in order to allow this presentation of artichokes to be maintained in the abovementioned production regions; whereas this derogation should be authorized;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Annex I/6 to Commission Regulation No 58, artichokes produced in Sicilia, Puglia, Sardegna, Campania, Lazio and Toscana may be sold by retail trade within those production regions in bunches surrounded by leaves and with a stem longer than 10 cm.

2. For the purposes of this derogation, each package must, however, bear the name and address of the producer, production area or the national, regional or local designation, and the following indication: 'To be sold by retail trade in ... (region) ... only', in legible indelible characters visible on the outside.

Article 2

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

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No 56, 7. 7. 1962, p. 1606/62.

⁽³⁾ OJ No L 97, 11. 4. 1989, p. 19.

COMMISSION REGULATION (EC) No 449/97**of 7 March 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 ⁽¹⁾, as last amended by Regulation (EC) No 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 March 1997.

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 7 March 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	204	50,7
	212	88,6
	624	232,7
	999	124,0
0707 00 15	068	60,9
	999	60,9
0709 10 10	220	197,0
	999	197,0
0709 90 73	052	92,1
	204	90,1
	999	91,1
0805 10 01, 0805 10 05, 0805 10 09	052	40,7
	204	44,2
	212	50,6
	220	22,3
	448	26,6
	464	42,3
	600	52,2
	624	54,9
0805 30 20	999	41,7
	052	63,5
	400	65,3
	600	62,5
0808 10 51, 0808 10 53, 0808 10 59	999	63,8
	060	57,7
	388	111,1
	400	85,8
	404	97,3
	508	107,8
	512	102,4
	528	107,3
0808 20 31	720	96,9
	999	95,8
	039	106,6
	388	69,4
	400	91,1
	512	69,1
	528	70,8
	999	81,4

⁽¹⁾ 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 450/97**of 7 March 1997****amending representative prices and additional duties for the import of certain products in the sugar sector**

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 ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1127/96 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96 ⁽⁵⁾, as last amended by Regulation (EC) No 415/97 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 March 1997.

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 62, 4. 3. 1997, p. 32.

ANNEX

to the Commission Regulation of 7 March 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	23,97	4,32
1701 11 90 ⁽¹⁾	23,97	9,55
1701 12 10 ⁽¹⁾	23,97	4,12
1701 12 90 ⁽¹⁾	23,97	9,12
1701 91 00 ⁽²⁾	26,04	12,21
1701 99 10 ⁽²⁾	26,04	7,69
1701 99 90 ⁽²⁾	26,04	7,69
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 451/97
of 7 March 1997
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 277/97 ⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 27 February to 8 March 1997, it is necessary to fix a new agricultural conversion rate for the Dutch guilder, Austrian schilling, Spanish peseta and Swedish krona;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 277/97 is hereby repealed.

Article 4

This Regulation shall enter into force on 9 March 1997.

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

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 45, 15. 2. 1997, p. 37.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,3225	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,95431	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	6,02811	Finnish marks
	2,19831	Dutch guilders
	0,778173	Irish punt
	1 973,93	Italian lire
	13,7529	Austrian schillings
	165,571	Spanish pesetas
	8,71269	Swedish kroner
	0,768177	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,7716	Belgian and Luxembourg francs	ECU 1 =	42,0026	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,87914	German marks		2,03574	German marks
	299,770	Greek drachmas		324,751	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,11376	Dutch guilders		2,28991	Dutch guilders
	0,748243	Irish punt		0,810597	Irish punt
	1 898,01	Italian lire		2 056,18	Italian lire
	13,2239	Austrian schillings		14,3259	Austrian schillings
	159,203	Spanish pesetas		172,470	Spanish pesetas
	8,37759	Swedish kroner		9,07572	Swedish kroner
	0,738632	Pound sterling		0,800184	Pound sterling

COMMISSION DIRECTIVE 97/10/EC

of 26 February 1997

adapting to technical progress for the 3rd time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (CMRs)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽¹⁾, as last amended by Commission Directive 96/55/EC⁽²⁾, and in particular Article 2a thereof, introduced by Council Directive 89/678/EEC⁽³⁾,

Whereas the Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted Decision 90/238/Euratom, ECSC, EEC⁽⁴⁾ concerning a 1990 to 1994 action plan in the context of the 'Europe against Cancer' programme;

Whereas Directive 94/60/EC⁽⁵⁾ of the European Parliament and Council, amending for the 14th time Directive 76/769/EEC prohibited with certain exemptions the placing on the market for use by the general public of substances classified as carcinogenic, mutagenic and toxic to reproduction in categories 1 or 2 (CMRs) by adding such substances to Annex I of Directive 76/769/EEC;

Whereas Annex I to Directive 76/769/EEC already contained substances classified CMR to which Directive 94/60/EC did not apply;

Whereas placing on the market for use by the general public of these CMRs and preparations containing these CMRs should also be prohibited with certain exceptions;

Whereas the restrictions laid down by this Directive take into account the current state of knowledge and techniques regarding safer alternatives;

Whereas this Directive does not affect Community legislation laying down minimum requirements for the protection of workers contained in Council Directive

89/391/EEC⁽⁶⁾ and in individual Directives based thereon, in particular Council Directive 90/394/EEC⁽⁷⁾;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby adapted to technical progress as set out in the Annex hereto.

Article 2

Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 December 1997 and shall forthwith inform the Commission thereof. They shall apply these provisions as from 30 June 1998.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 26 February 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 201.

⁽²⁾ OJ No L 231, 12. 9. 1996, p. 20.

⁽³⁾ OJ No L 398, 30. 12. 1989, p. 24.

⁽⁴⁾ OJ No L 137, 30. 5. 1990, p. 31.

⁽⁵⁾ OJ No L 365, 31. 12. 1994, p. 1.

⁽⁶⁾ OJ No L 183, 29. 6. 1989, p. 1.

⁽⁷⁾ OJ No L 196, 26. 7. 1990, p. 1.

ANNEX

Points 29, 30 and 31 of Annex I are replaced by the following:

29. Substances which appear in Annex I to Directive 67/548/EEC classified as carcinogen category 1 or carcinogen category 2 and labelled at least as "Toxic (T)" with risk phrase R 45: "May cause cancer" or risk phrase R49: "May cause cancer by inhalation", and listed as follows:

Carcinogen category 1: See List 1 in the Appendix.

Carcinogen category 2: See List 2 in the Appendix.

30. Substances which appear in Annex I to Directive 67/548/EEC classified as mutagen category 1 or mutagen category 2 and labelled with risk phrase R46: "May cause heritable genetic damage", and listed as follows:

Mutagen category 1: See List 3 in the Appendix.

Mutagen category 2: See List 4 in the Appendix.

Without prejudice to the other points of Annex I to Directive 76/769/EEC:

May not be used in substances and preparations placed on the market for sale to the general public in individual concentration equal to or greater than:

- either the concentration specified in Annex I to Council Directive 67/548/EEC⁽¹⁾, or
- the concentration specified in point 6, Table VI, of Annex I to Council Directive 88/379/EEC⁽²⁾, where no concentration limit appears in Annex I to Directive 67/548/EEC.

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows:

"Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use".

By way of derogation, this provision shall not apply to:

- (a) medicinal or veterinary products as defined by Council Directive 65/65/EEC⁽³⁾;
- (b) cosmetic products as defined by Council Directive 76/768/EEC⁽⁴⁾;
- (c) motor fuels which are covered by Council Directive 85/210/EEC⁽⁵⁾,
 - mineral oil products intended for use as fuel in mobile or fixed combustion plants,
 - fuels sold in closed systems (e.g. liquid gas bottles);
- (d) artists' paints covered by Council Directive 88/379/EEC⁽⁶⁾.

Without prejudice to the other points of Annex I to Directive 76/769/EEC

May not be used in substances and preparations placed on the market for sale to the general public in individual concentration equal to or greater than:

- either the concentration specified in Annex I to Directive 67/548/EEC, or
- the concentration specified in point 6, Table VI, of Annex I to Directive 88/379/EEC where no concentration limit appears in Annex I to Directive 67/548/EEC.

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows:

"Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use".

By way of derogation, this provision shall not apply to:

- (a) medicinal or veterinary products as defined by Directive 65/65/EEC;
- (b) cosmetic products as defined by Directive 76/768/EEC;

31. Substances which appear in Annex I to Directive 67/548/EEC classified as toxic to reproduction category 1 or toxic to reproduction category 2 and labelled with risk phrase R60: "May impair fertility" and/or R61: "May cause harm to the unborn child", and listed as follows: Toxic to reproduction category 1: See List 5 in the Appendix. Toxic to reproduction category 2: See List 6 in the Appendix.	(c) motor fuels which are covered by Directive 85/210/EEC, — mineral oil products intended for use as fuel in mobile or fixed combustion plants, — fuels sold in closed systems (e.g. liquid gas bottles); (d) artists' paints covered by Directive 88/379/EEC. Without prejudice to the other points of Annex I to Directive 76/769/EEC May not be used in substances and preparations placed on the market for sale to the general public in individual concentration equal to or greater than: — either the concentration specified in Annex I to Directive 67/548/EEC, or — the concentration specified in point 6, Table VI, of Annex I to Directive 88/379/EEC where no concentration limit appears in Annex I to Directive 67/548/EEC. Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows: "Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use". By way of derogation, this provision shall not apply to: (a) medicinal or veterinary products as defined by Directive 65/65/EEC; (b) cosmetic products as defined by Directive 76/768/EEC; (c) motor fuels which are covered by Directive 85/210/EEC, — mineral oil products intended for use as fuel in mobile or fixed combustion plants, — fuels sold in closed systems (e.g. liquid gas bottles); (d) artists' paints covered by Directive 88/379/EEC.
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(¹) OJ No 196, 16. 8. 1967, p. 1/67.

(²) OJ No L 187, 16. 7. 1988, p. 14.

(³) OJ No L 22, 9. 2. 1965, p. 369/65.

(⁴) OJ No L 262, 27. 9. 1976, p. 169.

(⁵) OJ No L 96, 3. 4. 1985, p. 25.

(⁶) OJ No 187, 16. 7. 1988, p. 14.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 February 1997

amending Decision 95/94/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries

(Text with EEA relevance)

(97/170/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 (1) thereof,

Whereas Commission Decision 93/160/EEC of 17 February 1993⁽²⁾, as amended by Decision 94/453/EC⁽³⁾, establishes a list of third countries from which Member States authorize the importation of semen of domestic animals of the porcine species;

Whereas Commission Decision 95/94/EC⁽⁴⁾ establishes a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries;

Whereas the competent veterinary services of the United States of America have forwarded a list of semen collection centres officially approved for export of porcine semen to the Community; whereas guarantees regarding compliance with requirements specified in Article 8 of Council Directive 90/429/EEC have been received by the Commission; it is therefore necessary to amend the list of approved centres;

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

HAS ADOPTED THIS DECISION:

Article 1

A Part 2 is added to the Annex to Decision 95/94/EC with the following semen collection centres in respect of the United States of America:

Part 2

UNITED STATES OF AMERICA

PIG IMPROVEMENT COMPANY — OKLAHOMA
BOAR STUD

Rt. 1, 121 N Main St

Hennessey, OK

Approval code: 94 OK 001

PIG IMPROVEMENT COMPANY — WISCONSIN
AID STUD

Route No 2

Spring Green, WI

Approval code: 96 WI 001

UNITED SWINE GENETICS

RR No 2

Roanoke, IL

Approval code: 95 IL 001¹.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 62.

⁽²⁾ OJ No L 67, 19. 3. 1993, p. 27.

⁽³⁾ OJ No L 187, 22. 7. 1994, p. 11.

⁽⁴⁾ OJ No L 73, 1. 4. 1995, p. 87.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 7 March 1997

on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC

(Text with EEA relevance)

(97/171/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by Decision 93/384/EEC⁽²⁾, and in particular Article 9 (6) (g) thereof,

Whereas in February 1997 outbreaks of classical swine fever in the Netherlands was declared by the Dutch Veterinary Authorities;

Whereas pursuant to Article 9 (1) of Directive 80/217/EEC a surveillance zone was immediately established around outbreak sites;

Whereas the surveillance zone for an outbreak confirmed in *RVV Kring Breda* on 15 February was established in collaboration with the Belgian veterinary authorities as the zone included part of the territory of Belgium;

Whereas all pig holdings in the part of the surveillance zone covering a part of the territory of Belgium have been subject to a weekly inspection by a veterinarian. During this inspection samples for laboratory examination are collected if deemed necessary. No evidence of classical swine fever in the zone has been detected;

Whereas the provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat⁽³⁾ as last amended by Directive 95/23/EEC⁽⁴⁾;

Whereas Belgium has submitted a request for the adoption of a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in an established surveillance zone and slaughtered subject to a specific authorization issued by the competent authority;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice for the provisions of Council Directive 80/217/EEC, in particular, Article 9 (6), Belgium is authorized to apply the mark described in Article 3 (1) (A) (e) of Council Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated in a surveillance zone in Belgium established in accordance with the provisions of Article 9 (1) of Council Directive 80/217/EEC on the condition that the pigs in question:

- (a) originate from a holding to which, following the epidemiological inquiry, no contact has been established with an infected holding;
- (b) originate from a holding which for a period of at least three weeks has been subject to a weekly inspection by a veterinarian. The inspection has included all pigs kept on the holding;
- (c) have been subject to protection measures established in accordance with the provisions of Article 9 (6) (f) and (g) of Council Directive 80/217/EEC established on 15 February 1997;
- (d) have been included in a programme for monitoring body temperature and clinical examination. The programme shall be carried out as given in Annex I;
- (e) have been slaughtered within 12 hours of arrival at the slaughterhouse.

2. Belgium shall ensure that a certificate as given in Annex II is issued in respect of meat referred to in paragraph 1.

Article 2

Pigmeat which complies with the conditions of Article 1 (1) and enters into intra-Community trade must be accompanied by the certificate referred to in Article 1 (2).

⁽¹⁾ OJ No L 47, 21. 1. 1980, p. 11.

⁽²⁾ OJ No L 166, 8. 7. 1993, p. 34.

⁽³⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁴⁾ OJ No L 243, 11. 10. 1995, p. 7.

Article 3

Belgium shall ensure that abattoirs designated to receive the pigs referred to in Article 1, paragraph 1 do not on the same day accept pigs for slaughter other than the pigs in question.

Article 4

Belgium shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1 (1),
- (b) a monthly report which contains information on:
 - the area to which the provisions of Article 1 apply,
 - number of pigs slaughtered at the designated slaughterhouses,
 - identification system and movement controls applied to slaughter pigs, as required pursuant to

Article 9 (6) (f) (i) of Council Directive 80/217/EEC,

- instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 5

This Decision is applicable until 1 May 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1 (1) (b) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

Number of pigs in consignment	Number of pigs to be monitored
0-25	all
26-30	26
31-40	31
41-50	35
51-100	45
101-200	51
200 +	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartags, time of examination and temperature.

In cases where the examination shows a temperature of 40 °C or above, the official veterinarian shall immediately be informed. He shall initiate a disease investigation and take into account the provisions of Article 4 of Council Directive 80/217/EEC introducing Community measures for the control of Classical Swine Fever.

2. Shortly (0-3 hours) before loading of the consignment examined as described under (1) above, a clinical examination shall be carried out by a veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under (1) and (2) above, the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the *ante-mortem* examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 (1) of Commission Decision 97/171/EEC

No (1):

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs

Nature of cuts:

Nature of packaging:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....
.....

III. Destination of meat

The meat will be sent

from:
(place of loading)to:
(place of destination)

by the following means of transport (2):

Name and address of consignee:

.....

(1) Serial No issued by the official veterinarian.

(2) In the case of rail trucks and lorries, state the registration number and in the case of boats name and, where necessary, the number of the container.

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 97/171/EEC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC.

Done at, on

.....
(name and signature of the official veterinarian)
