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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 602/97 of 4 April 1997 fixing the maximum buying-in price and the quantities of beef to be bought in under the 179th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89	1
Commission Regulation (EC) No 603/97 of 4 April 1997 on the supply of meat as food aid.....	3
Commission Regulation (EC) No 604/97 of 4 April 1997 on the supply of milk products as food aid.....	6
★ Commission Regulation (EC) No 605/97 of 4 April 1997 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 530/97.....	10
Commission Regulation (EC) No 606/97 of 4 April 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables	11

II *Acts whose publication is not obligatory*

Council

97/225/EC:

★ Council Decision of 10 April 1995 concerning the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure	13
Agreement in the form of an Exchange of Letters between the European Community and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure	14

97/226/EC:

- ★ Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997 derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60) 31

97/227/EC:

- ★ Commission Decision of 3 March 1997 amending Decision 95/473/EC establishing the list of approved fish farms in France ⁽¹⁾ 33

97/228/EC:

- ★ Commission Decision of 3 March 1997 amending Decision 95/124/EC establishing the list of approved fish farms in Germany ⁽¹⁾ 35

97/229/EC:

- ★ Commission Decision of 3 March 1997 amending Decision 93/693/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the bovine species from third countries ⁽¹⁾ 39

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 602/97

of 4 April 1997

fixing the maximum buying-in price and the quantities of beef to be bought in under the 179th 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⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 545/97⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 524/97⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 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 179th 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 slaughtering, 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 carcass 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 scale of the quantities awarded warrants the application of the possibility provided for in Article 16 (2) of Regulation (EEC) No 2456/93 of extending the period during which the intervention products are to be delivered;

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 179th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU 269,99 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 8 003 tonnes,
- the quantities offered at a price greater than ECU 245 shall be multiplied by a coefficient of 25 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 84, 26. 3. 1997, p. 11.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 82, 22. 3. 1997, p. 35.

(b) for category C:

- the maximum buying-in price shall be ECU 269,99 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 12 832 tonnes,
- the quantities offered at a price greater than ECU 245 and less than or equal to ECU 257 shall be multiplied by a coefficient of 75 % in Ireland and

60 % in Great Britain in accordance with Article 13 (3) of Regulation (EEC) No 2456/93 and those offered at a price greater than ECU 257 shall be multiplied by a coefficient of 25 %.

Article 2

The first sentence of Article 16 (2) of Regulation (EEC) No 2456/93 notwithstanding, the time limit for delivery to intervention stores is extended by one week.

Article 3

This Regulation shall enter into force on 7 April 1997.

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

Done at Brussels, 4 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 603/97
of 4 April 1997
on the supply of meat 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 beef in its own juice 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

Meat 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, 4 April 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⁾: 157/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Euronaid, Postbus 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**: Cuba
6. **Product to be mobilized**: Beef in its own juice
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: —
8. **Total quantity**: 60 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 267, 13. 9. 1996, p. 1 (15.0 A, B and C.2)
see OJ No C 114, 29. 4. 1991, p. 1 (VILA(3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
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**: 26. 5. — 15. 6. 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**: 12 noon (Brussels time) on 21. 4. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 5. 1997
 - (b) period for making the goods available at the port of shipment: 9. — 29. 6. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 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, 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⁾: refunds only for products covered by product code 1602 50 39 9425, referred to in Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 2230/96 (OJ No L 305, 27. 11. 1996, p. 1). The refund is the one applicable at the deadline for the submission of tenders.

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) Meat product, minimum 60 % chemically lean, stable at ambient temperature (salted, tinned and cooked) consisting solely of bovine meat, meeting the requirements laid down in Annex B Chapter II to Directive 77/99/EEC (OJ No 26, 31. 1. 1977, p. 60) and the following requirements after cooking:

- moisture: maximum 70 %
- protein: minimum 13,5 % (proportion of collagenous to total protein no more than 35 %)
- fat: maximum 20 %
- salt: maximum 2 %, 50 ppm of maximum total nitrate expressed as sodium nitrate
- sugar: maximum 1 %
- ash: maximum 2,5 %.

The meat may not contain bone, ligament, gristle, hair, foreign bodies or any additive, in particular thickeners other than tendon collagen of bovine origin. Presentation when sliced must be a firm moulded product (15-30 mm pieces) with a limited quantity of minced meat. It must be free of unpleasant odours and tastes.

Guaranteed conservation period: minimum four years from manufacture.

- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- health certificate.

- (7) Notwithstanding OJ No C 114, point VIIA.3 (c) is replaced by the following: 'the words "European Community"', and point VIIA.3 (b) by the following: the description 'Beef in its own juice' (in Spanish: 'carne bovina en su jugo').

- (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.

COMMISSION REGULATION (EC) No 604/97
of 4 April 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,

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.

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, 4 April 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⁾: 158/96 (A1); 159/96 (A2)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland (tel.: (3170) 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**: Uganda
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)**: 375
9. **Number of lots**: 1 in 2 parts (A1: 315 tonnes; A2: 60 tonnes)
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾: 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: English
Supplementary markings: 'Expiry date ...'
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
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**: 19. 5. — 8. 6. 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**: 12 noon (Brussels time) on 21. 4. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 5. 1997
 - (b) period for making the goods available at the port of shipment: 2. — 22. 6. 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 Brussels
tlx: 2 56 70 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 26. 3. 1997, fixed by Commission Regulation (EC) No 354/97 (OJ No L 59, 28. 2. 1997, p. 12)

LOT B

1. **Operation No** ⁽¹⁾: 156/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Euronaid, Postbus 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**: Cuba
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.C.(1))
8. **Total quantity**: 60 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁵⁾ ⁽⁷⁾: 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.C.(3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
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**: 12. 5. — 1. 6. 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**: 12 noon (Brussels time) on 21. 4. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 5. 1997
 - (b) period for making the goods available at the port of shipment: 26. 5. — 15. 6. 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, 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** ⁽⁸⁾: refund applicable on 26. 3. 1997, fixed by Commission Regulation (EC) No 354/97 (OJ No L 59, 28. 2. 1997, p. 12)

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) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net.
- 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 supplier 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 supplier has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate,
 - 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.A.3 (c) is replaced by the following: 'the words "European Community".'
-

COMMISSION REGULATION (EC) No 605/97

of 4 April 1997

concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 530/97

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 ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 530/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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

No action shall be taken on the tenders submitted by 3 April 1997 in response to the invitation to tender for the export refund on wholly milled long grain rice falling within CN code 1006 30 67 to certain third countries issued in Regulation (EEC) No 530/97.

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, 4 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 82, 22. 3. 1997, p. 48.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 606/97
of 4 April 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 5 April 1997.

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

Done at Brussels, 4 April 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 4 April 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 20	052	93,9
	204	74,0
	212	107,0
	624	156,1
	999	107,8
0709 90 75	052	99,5
	204	66,3
	999	82,9
0805 10 11, 0805 10 15, 0805 10 19	052	53,8
	204	47,3
	212	63,7
	220	30,2
	400	37,7
	448	24,0
	456	26,6
	600	53,0
	624	51,1
	625	39,8
0808 10 61, 0808 10 63, 0808 10 69	999	42,7
	060	53,9
	388	97,7
	400	90,9
	404	99,2
	508	77,3
	512	75,7
	524	67,7
	528	82,2
	804	105,4
0808 20 37	999	83,3
	052	119,8
	388	73,6
	512	78,3
	528	76,0
	999	86,9

(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'.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 10 April 1995

concerning the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure

(97/225/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2) first sentence thereof,

Having regard to the proposal from the Commission,

Whereas Article 15 (2) of the Convention between the European Economic Community and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on a common transit procedure⁽¹⁾ empowers the Joint Committee set up by that Convention to make recommendations for amendments to the Convention;

Whereas the Joint Committee has recommended an amendment to the Convention to permit the recovery of charges by means of mutual assistance between the Contracting Parties;

Whereas the amendments in question are set out in recommendation No 1/94 of the Joint Committee; whereas it is appropriate to approve the Agreement in the form of an Exchange of Letters relating to that recommendation,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 10 April 1995.

For the Council

The President

A. JUPPÉ

⁽¹⁾ OJ No L 226, 13. 8. 1987, p. 2.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation relating to the amendment of the Convention of 20 May 1987 on a common transit procedure

Letter No 1

Brussels,

Sir,

In its recommendation No 1/94 of 8 December 1994, the EC-EFTA Joint Committee on common transit proposed a number of amendments to the EEC-EFTA Convention of 20 May 1987 on a common transit procedure. The proposed amendments are set out in the Annex.

I have the honour to confirm that the Community is in agreement with those amendments and I propose that they come into force on 1 July 1996. I should be obliged if you would confirm that your government is in agreement with the amendments and the proposed date on which they are to enter into force.

Please accept, Sir, the assurance of my highest consideration.

Letter No 2

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

'In its recommendation No 1/94 of 8 December 1994, the EC-EFTA Joint Committee on common transit proposed a number of amendments to the EEC-EFTA Convention of 20 May 1987 on a common transit procedure. The proposed amendments are set out in the Annex.

I have the honour to confirm that the Community is in agreement with those amendments and I propose that they come into force on 1 July 1996. I should be obliged if you would confirm that your government is in agreement with the amendments and the proposed date on which they are to enter into force.'

I have the honour to confirm that my government is in agreement with the contents of your letter and the proposed date on which the amendments are to enter into force.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el 22 de noviembre de 1996.

Udfærdiget i Bruxelles, den 22. november 1996.

Geschehen zu Brüssel am 22. November 1996.

Έγινε στις Βρυξέλλες, στις 22 Νοεμβρίου 1996.

Done at Brussels, 22 November 1996.

Fait à Bruxelles, le 22 novembre 1996.

Gjört í Brussel, 22. nóvember 1996.

Fatto a Bruxelles, addì 22 novembre 1996.

Gedaan te Brussel, 22 november 1996.

Feito em Bruxelas, em 22 de Novembro de 1996.

Tehty Brysselissä 22 päivänä marraskuuta 1996.

Utfärdat i Bryssel den 22 november 1996.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Fyrir ríkisstjórn lýðveldisins Íslands



For Kongeriket Norges Regjering



Für die Regierung der Schweizerischen Eidgenossenschaft
Pour le gouvernement de la Confédération suisse
Per il governo della Confederazione svizzera



—

ANNEX

**RECOMMENDATION No 1/94 OF THE EC-EFTA JOINT COMMITTEE ON
COMMON TRANSIT****of 8 December 1994****for the amendment of the Convention of 20 May 1987 on a common transit procedure**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure, and in particular Article 15 (2) (a) thereof,

Whereas the Convention of the 20 May 1987 contains the common transit rules on trade between the Community and the EFTA countries and between those countries themselves;

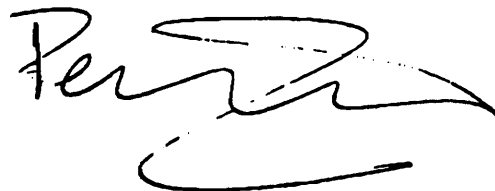
Whereas it is appropriate to modify the Convention to allow the recovery of charges by the means of mutual assistance between the Contracting Parties,

HEREBY RECOMMENDS that the Contracting Parties to the Convention:

- amend it, with effect from 1 July 1996 along the lines set out in the text annexed to this recommendation,
- inform each other, by means of an Exchange of Letters, of their acceptance of this recommendation.

Done at Brussels, 8 December 1994.

*For the Joint Committee
The Chairman*



*Annex to the Annex***AMENDMENT TO THE CONVENTION**

between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on a common transit procedure

The Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation is hereby amended as follows:

A. After Article 13 the following text shall be inserted:

'Recovery*Article 13 (a)*

The competent authorities of the countries concerned shall, in accordance with the provisions of Appendix IV, render each other assistance for the recovery of claims, if these claims have arisen in connection with a T1 or T2 operation.'

B. The following Appendix IV shall be added to the Convention:

*'APPENDIX IV***MUTUAL ASSISTANCE FOR THE RECOVERY OF CLAIMS****Aim***Article 1*

This Appendix lays down the rules of ensuring recovery in each country of the claims referred to in Article 3 which arise in another country. Implementing provisions are set out in Annex I to the Appendix.

Definitions*Article 2*

In this Appendix:

- "applicant authority" means the competent authority of a country which makes a request for assistance concerning a claim referred to in Article 3,
- "requested authority" means the competent authority of a country to which a request for assistance is made.

Scope*Article 3*

This Appendix shall apply to:

- (a) all claims relating to Article 11, paragraph 1 (c) of Appendix I, which are due in connection with a T1 or

T2 operation which began after the entry into force of this Appendix;

- (b) interest and costs incidental to the recovery of the claims referred to above.

Communication and use of information*Article 4*

1. At the request of the applicant authority, the requested authority shall provide any information which would be useful to the applicant authority in the recovery of its claim.

In order to obtain this information, the requested authority shall make use of the powers provided under the laws, regulations or administrative provisions applying to the recovery of similar claims arising in the country where that authority is situated.

2. The request for information shall indicate the name and address of the person to whom the information to be provided relates and the nature and amount of the claim in respect of which the request is made.

3. The requested authority shall not be obliged to supply information:

- (a) which it would not be able to obtain for the purpose of recovering similar claims arising in the country in which it is situated;
- (b) which would disclose any commercial, industrial or professional secrets; or

(c) the disclosure of which would be liable to prejudice the security of or be contrary to the public policy of the country.

4. The requested authority shall inform the applicant authority of the grounds for refusing a request for information.

5. Information obtained in accordance with this Article shall be used solely for the purposes of this Convention and shall be accorded the same protection by a receiving country as is afforded to information of like nature under the national law of that country. Such information may be used for other purposes only with the written consent of the competent authority which furnished it and subject to any restrictions laid down by that authority.

6. The request for information shall be established on the form corresponding to the specimen contained in Annex II to this Appendix.

Notification

Article 5

1. The requested authority shall, at the request of the applicant authority, and in accordance with the rules of law in force for the notification of similar instruments or decisions in the country in which the requested authority is situated, notify to the addressee all instruments and decisions, including those of a judicial nature, which emanate from the country in which the applicant authority is situated and which relate to a claim and/or to its recovery.

2. The request for notification shall indicate the name and address of the addressee concerned, the nature and the subject of the instrument or decision to be notified, if necessary the name and address of the debtor and the claim to which the instrument or decision relates, and any other useful information.

3. The requested authority shall promptly inform the applicant authority of the action taken on its request for notification and, more especially, of the date on which the instrument or decision was forwarded to the addressee.

4. The request for notification shall be established on the form corresponding to the specimen contained in Annex III to this Appendix.

Execution of requests

Article 6

1. At the request of the applicant authority, the requested authority shall recover claims which are the subject of an instrument permitting their enforcement in accordance with the laws, regulations or administrative provisions applying to the recovery of similar claims arising in the country in which the requested authority is situated.

2. For this purpose any claim in respect of which a request for recovery has been made shall be treated as a claim of the country in which the requested authority is situated, except where Article 12 applies.

Article 7

1. The request for recovery of a claim which the applicant authority addresses to the requested authority must be accompanied by an official or certified copy of the instrument permitting its enforcement, issued in the country in which the applicant authority is situated and, if appropriate, by the original or a certified copy of other documents necessary for recovery.

2. The applicant authority may not make a request for recovery unless:

- (a) the claim and/or the instrument permitting its enforcement are not contested in the country in which it is situated;
- (b) it has, in the country in which it is situated, applied the recovery procedure available to it on the basis of the instrument referred to in paragraph 1, and the measures taken have not resulted in the payment in full of the claim;
- (c) the claim exceeds ECU 1 500. The equivalent in national currencies of the amount expressed in ecus shall be calculated in accordance with the provisions of Article 51 of Appendix II.

3. The request for recovery shall indicate the name and address of the person concerned, the nature of the claim, the amount of the principal and the interest and costs due, as well as any other relevant information.

4. The request for recovery shall contain in addition a statement by the applicant authority indicating the date from which enforcement is possible under the laws in force in the country in which it is situated and confirming that the conditions set out in paragraph 2 are fulfilled.

5. As soon as any relevant information relating to the matter which gave rise to the request for recovery comes to the knowledge of the applicant authority it shall forward it to the requested authority.

Article 8

The instrument permitting enforcement of the claim shall, where appropriate, and in accordance with the provisions in force in the country in which the requested authority is situated, be accepted, recognized, supplemented or replaced by an instrument authorizing enforcement in the territory of that country.

Such acceptance, recognition, supplementing or replacement must take place as soon as possible following the date of receipt of the request for recovery. They may not be refused if the instrument permitting enforcement in the country in which the applicant authority is situated is properly drawn up.

If any of these formalities should give rise to an examination or contestation in connection with the claim and/or the instrument permitting enforcement issued by the applicant authority, Article 12 shall apply.

Article 9

1. Claims shall be recovered in the currency of the country in which the requested authority is situated.

2. The requested authority may, where the laws, regulations or administrative provisions in force in the country in which it is situated so permit, and after consultations with the applicant authority, allow the debtor time to pay or authorize payment by instalment. Any interest charged by the requested authority in respect of such extra time to pay shall be remitted to the applicant authority.

Any other interest charged for late payment under the laws, regulations and administrative provisions in force in the country in which the requested authority is situated shall also be remitted to the applicant authority.

Article 10

The claims to be recovered shall not be given preferential treatment in the country in which the requested authority is situated.

Article 11

The requested authority shall inform the applicant authority immediately of the action it has taken on the request for recovery.

Contested requests

Article 12

1. If, in the course of the recovery procedure, the claim and/or the instrument permitting its enforcement issued in the country in which the applicant authority is situated are contested by an interested party, the action shall be brought by the latter before the competent body of the country in which the applicant authority is situated, in accordance with the laws in force there. This action must be notified by the applicant authority to the requested authority. The party concerned may also notify the requested authority of the action.

2. As soon as the requested authority has received the notification referred to in paragraph 1 either from the applicant authority or from the interested party, it shall suspend the enforcement procedure pending the decision of the body competent in the matter. Should the requested authority deem it necessary, and without prejudice to Article 13, that authority may take precautionary measures to guarantee recovery insofar as the laws or

regulations in force in the country in which it is situated allow such action for similar claims.

3. Where the enforcement measures taken in the country in which the requested authority is situated are contested, the action shall be brought before the competent body of that country in accordance with its laws and regulations.

4. Where the competent body before which the action has been brought in accordance with paragraph 1 is a judicial or administrative tribunal, the decision of that tribunal, insofar as it is favourable to the applicant authority and permits recovery of the claim in the country in which the applicant authority is situated shall constitute the "instrument permitting enforcement" within the meaning of Articles 6, 7 and 8 and the recovery of the claim shall proceed on the basis of that decision.

Precautionary measures

Article 13

1. On a reasoned request by the applicant authority, the requested authority shall take precautionary measures to ensure recovery of a claim insofar as the laws or regulations in force in the country in which it is situated so permit.

2. In order to give effect to the provisions of paragraph 1, Article 6, Article 7 (1), (3) and (5), Articles 8, 11, 12 and 14 shall apply *mutatis mutandis*.

3. The request for precautionary measures shall be established on the form corresponding to the specimen contained in Annex IV to this Appendix.

Exceptions

Article 14

The requested authority shall not be obliged:

- (a) to grant the assistance provided for in Articles 6 to 13 if recovery of the claim would, because of the situation of the debtor, create serious economic or social difficulties in the country in which that authority is situated;
- (b) to accept a recovery of a claim if it maintains that it could infringe the public policy or other essential interests of the country in which that authority is situated.
- (c) to undertake recovery of a claim if the applicant authority has not exhausted the means of recovery in the territory of the country in which it is situated.

The requested authority shall inform the applicant authority of the grounds for refusing a request for assistance.

Article 15

1. Questions concerning periods of limitation shall be governed solely by the laws in force in the country in which the applicant authority is situated.

2. Steps taken in the recovery of claims by the requested authority in pursuance of a request for assistance which, if they had been carried out by the applicant authority, would have had the effect of suspending or interrupting the period of limitation according to the laws in force in the country in which the applicant authority is situated, shall be deemed to have been taken in the latter country, insofar as that effect is concerned.

Confidentiality*Article 16*

Documents and information sent to the requested authority pursuant to this Appendix may only be communicated by the latter to:

- (a) the person mentioned in the request for assistance;
- (b) those persons and authorities responsible for the recovery of the claims, and solely for that purpose;
- (c) the judicial authorities dealing with matters concerning the recovery of the claims.

Languages*Article 17*

Requests for assistance and relevant documents shall be accompanied by a translation in the official language, or one of the official languages of the country in which the requested authority is situated or in a language acceptable to such authority.

Assistance expenses*Article 18*

The countries concerned shall renounce all claims upon each other for the reimbursement of costs resulting from mutual assistance which they grant each other pursuant to this Appendix.

However, the country in which the applicant authority is situated shall remain liable to the country in which the requested authority is situated for costs incurred as a result of actions held to be unfounded, as far as either the substance of the claim or the validity of the instrument issued by the applicant authority are concerned.

Authorized authorities*Article 19*

The countries shall provide each other with a list of authorities authorized to make or receive requests for assistance, as well as any subsequent relevant changes.

Articles 20 to 22

(This Appendix contains no Articles 20 to 22.)

Complementarity*Article 23*

The provisions of this Appendix shall not prevent a greater measure of mutual assistance being afforded either now or in the future by particular countries under any agreements or arrangements, including those for the notification of legal or extra-legal acts.

Articles 24 to 26

(This Appendix contains no Articles 24 to 26.)

ANNEX I TO APPENDIX IV

IMPLEMENTING PROVISIONS

TITLE I

Scope

Article 1

1. This Annex lays down detailed rules for implementing Appendix IV.
2. This Annex also lays down detailed rules on conversion and transfer of sums recovered.

TITLE II

Request for information

Article 2

1. The request for information referred to in Article 4 of Appendix IV shall be made out in writing in accordance with the specimen in Annex II. The said request shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.
2. The applicant authority shall, where appropriate, indicate in its request for information the name of any other requested authority to which a similar request for information has been addressed.

Article 3

The request for information may be related to

- (a) the debtor; or
- (b) any person liable for settlement of the claim under the law in force in the country where the applicant authority is situated.

Where the applicant authority knows that a third party holds assets belonging to one of the persons mentioned in the foregoing paragraph, the request may also relate to that third party.

Article 4

The requested authority shall acknowledge receipt of the request for information in writing (e.g. by telex or fax) as soon as possible and in any event within seven days of such receipt.

Article 5

1. The requested authority shall transmit each item of requested information to the applicant authority as and when it is obtained.
2. Where all or part of the requested information cannot be obtained within a reasonable time, having regard to the particular case, the requested authority shall so inform the applicant authority, indicating the reasons therefor.

In any event, at the end of six months from the date of acknowledgement of receipt of the request, the requested authority shall

inform the applicant authority of the outcome of the investigations which is has conducted in order to obtain the information requested.

In the light of the information received from the requested authority, the applicant authority may request the latter to continue its investigations. This request shall be made in writing (e.g. by telex or fax) within two months from the receipt of the notification of the outcome of the investigations carried out by the requested authority, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

Article 6

When the requested authority decides not to comply with the request for information addressed to it, it shall notify the applicant authority in writing of the reasons for the refusal, specifying the particular provisions of Article 4 of Appendix IV which it invokes. This notification shall be made by the requested authority as soon as it has taken its decisions and in any event within six months from the date of the acknowledgement of the receipt of the request.

Article 7

The applicant authority may at any time withdraw the request for information which it has sent to the requested authority. The decision to withdraw shall be transmitted to the requested authority in writing (e.g. by telex or fax).

TITLE III

Request for notification

Article 8

The request for notification referred to in Article 5 of Appendix IV shall be made out in writing in duplicate in accordance with the specimen in Annex III. The said request shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.

Two copies of the instrument (or decision), notification of which is requested, shall be attached to the request referred to in the foregoing paragraph.

Article 9

The request for notification may relate to any natural or legal person who, in accordance with the law in force in the country where the applicant authority is situated, shall be informed of any instrument or decision which concerns him.

Article 10

1. Immediately upon receipt of the request for notification, the requested authority shall take the necessary measures to effect that notification in accordance with the law in force in the country in which it is situated.

2. The requested authority shall inform the applicant authority of the date of notification as soon as this has been done, by returning to it one of the copies of its request with the certificate on the reverse side duly completed.

TITLE IV

Request for recovery and/or for the taking of precautionary measures

Article 11

1. The request for recovery and/or for the taking of precautionary measures referred to in Articles 6 and 13 of Appendix IV, shall be made out in writing in accordance with the specimen in Annex IV. The request, which shall include a declaration that the conditions laid down in Appendix IV for initiating the mutual assistance procedure in the particular case have been fulfilled, shall bear the official stamp of the applicant authority and shall be signed by an official thereof duly authorized to make such a request.

2. The instrument permitting enforcement which shall accompany the request for recovery and/or for the taking of precautionary measures may be issued in respect of several claims where it concerns one and the same person.

For the purposes of Articles 12 to 19, all claims which are covered by the same instrument permitting enforcement shall be deemed to constitute a single claim.

Article 12

1. The request for recovery and/or for the taking of precautionary measures may relate to

- (a) the debtor; or
- (b) any person liable for settlement of the claim under the law in force in the country in which the applicant authority is situated.

2. Where appropriate, the applicant authority shall inform the requested authority of any assets of the persons referred to in paragraph 1 which to its knowledge are held by a third party.

Article 13

1. The applicant authority shall state the amounts of the claim to be recovered both in the currency of the country in which it is situated and also in the currency of the country in which the requested authority is situated.

2. The rate of exchange to be used for the purposes of paragraph 1 shall be the latest selling rate recorded on the most representative exchange market or markets of the country in which the applicant authority is situated, on the date when the request for recovery is signed.

Article 14

The requested authority shall acknowledge receipt of the request for recovery and/or for the taking of precautionary measures in writing (e.g. by telex or fax) as soon as possible and in any event within seven days of its receipt.

Article 15

Where, within a reasonable time having regard to the particular case, all or part of the claim cannot be recovered or precautionary measures cannot be taken, the requested authority shall so inform the applicant authority, indicating the reasons therefor.

In any event, at the end of one year from the date of acknowledgement of the receipt of the request, the requested authority shall inform the applicant authority of the outcome of the procedure which it has undertaken for recovery and/or for the taking of precautionary measures.

In the light of the information received from the requested authority, the applicant authority may request the latter to continue the procedure which it has undertaken for recovery and/or for the taking of precautionary measures. This request shall be made in writing (e.g. by telex or fax) within two months from the receipt of the notification of the outcome of the procedure undertaken by the requested authority for recovery and/or for the taking of precautionary measures, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

Article 16

Any action contesting the claim or the instrument permitting its enforcement which is taken in the country in which the applicant authority is situated shall be notified to the requested authority in writing (e.g. by telex or fax) by the applicant authority immediately after it has been informed of such action.

Article 17

1. If the request for recovery and/or for the taking of precautionary measures becomes nugatory as a result of payment of the claim or of its cancellation or for any other reason, the applicant authority shall immediately inform the requested authority in writing (e.g. by telex or fax) so that the latter may stop any action which it has undertaken.

2. Where the amount of the claim which is the subject of the request for recovery and/or for the taking of precautionary measures is amended for any reason, the applicant authority shall immediately inform the requested authority in writing (e.g. by telex or fax).

If the amendment consists of a reduction in the amount of the claim, the requested authority shall continue the action which it has undertaken with a view to recovery and/or to the taking of precautionary measures, but that action shall be limited to the amount still outstanding if, at the time the requested authority is informed of the reduction of the amount of the claim, the original amount has already been recovered by it but the transfer procedure referred to in Article 18 has not yet been initiated, the requested authority shall repay the amount overpaid to the person entitled thereto.

If the amendment consists of an increase in the amount of the claim, the applicant authority shall as soon as possible address to the requested authority an additional request for recovery and/or for the taking of precautionary measures. This additional request shall, as far as possible, be dealt with by the requested authority at the same time as the original request of the applicant authority. Where, in view of the state of progress of the existing procedure, the joinder of the additional request and the original request is not possible, the requested authority shall only be required to comply with the additional request if it concerns an amount not less than that referred to in Article 7 of Appendix IV.

3. To convert the amended amount of the claim into the currency of the country in which the requested authority is situated, the applicant authority shall use the exchange rate used in its original request.

Article 18

Any sum recovered by the requested authority, including, where applicable, the interest referred to in Article 9 (2) of Appendix IV, shall be the subject of a transfer to the applicant authority in the currency of the country in which the requested authority is situated. This transfer shall take place within one month of the date on which the recovery was effected.

Article 19

Irrespective of any amounts collected by the requested authority by way of interest referred to in Article 9 (2) of Appendix IV, the claim shall be deemed to have been recovered in proportion to the recovery of the amount expressed in the national currency of the country in which the requested authority is situated, on the basis of the exchange rate referred to in Article 13 (2).

TITLE V

General and final provisions

Article 20

1. A request for assistance may be made by the applicant authority in respect of either a single claim or several claims where these are recoverable from one and the same person.
2. The information provided for in Annexes II, III and IV may be drawn up on plain paper by means of data processing systems provided that the resultant printouts comply with the format of the forms contained in the Annexes.

Article 21

Information and other particulars communicated by the requested authority to the applicant authority shall be made out in the official language or one of the official languages of the country in which the requested authority is situated.

ANNEX II TO APPENDIX IV

CONVENTION OF 20 MAY 1987 ON A COMMON TRANSIT PROCEDURE

(Article 4 of Appendix IV)

(Description of the applicant authority, address, telephone, telex and bank account numbers, etc.)

(Place and date of sending request)

(File reference of applicant authority)

To

(Name of the authority to whom the request is sent, postbox, place, etc.)

(Space reserved for the authority to whom the request is sent)

REQUEST FOR INFORMATION

I, the undersigned,
 (Name and official capacity)

acting as the agent duly authorized by the applicant authority indicated above, hereby request the following information to be obtained in accordance with Article 4 of Appendix IV to the Convention.

Information relating to the person concerned (1)	Information relating to the claim(s)	Information requested
(a) Name and address { known (*) assumed (*) (b) Other relevant information concerning the above person — principal debtor — co-debtor — third party holding assets	— Amount of the relevant claim or claims (including possible interest and costs) — Exact nature of the claim(s) — Other information	
	Other requested authorities	
		 (Signature) (Official stamp)

(*) Delete as appropriate.
 (1) Natural or legal person.

ANNEX III TO APPENDIX IV

CONVENTION OF 20 MAY 1987 ON A COMMON TRANSIT PROCEDURE

(Article 5 of Appendix IV)

(Description of the applicant authority, address, telephone, telex and bank account numbers, etc.)

(Place and date of sending request)

(File reference of applicant authority)

To

(Space reserved for the authority to whom the request is sent)

(Name of the authority to whom the request is sent, postbox, place, etc.)

REQUEST FOR NOTIFICATION

I, the undersigned,
 (name and official capacity)

acting as the agent duly authorized by the applicant authority indicated above, hereby request notification, pursuant to Article 5 of Appendix IV to the Convention of the following instrument decision (*).

Information relating to the person concerned (*)	Nature and subject of the instrument (or decision) to be notified	Information relating to the claim(s)	Other information
(a) Name and address { known (*) assumed (*) (b) Name and address of the principal debtor if different from addressee (c) Other information		— Amount of the claim(s) (including any interest and costs) — Exact nature of the claim(s) — Other information	
			 (Signature) (Official stamp)

(*) Delete as appropriate.
 (') Natural or legal person.

CERTIFICATE

The undersigned hereby certifies:

— that the instrument/decision (*) attached to the request overleaf has been notified to the addressee referred to in the said request dated The notification was made in the following manner (1) (*):

— that the instrument/decision (*) attached to the request overleaf was not able to be notified to the addressee referred to in the said request for the following reasons (*):

.....
(Date)

.....
(Signature)

(Official stamp)

.....
(*) Delete as appropriate.

(1) Indicate exactly whether the notification was made to the addressee in person or by another procedure.

ANNEX IV TO APPENDIX IV

CONVENTION OF 20 MAY 1987 ON A COMMON TRANSIT PROCEDURE

(Articles 6 to 13 of Appendix IV)

(Description of the applicant authority, address, telephone, telex and bank account numbers, etc.)

(Place and date of sending request)

(File reference of applicant authority)

To

(Name of the authority to whom the request is sent, postbox, place, etc.)

(Space reserved for the authority to whom the request is sent)

REQUEST FOR RECOVERY/PRECAUTIONARY MEASURES TO BE TAKEN (*)

I, the undersigned,
(name and official capacity)

acting as the agent duly authorized by the applicant authority indicated above, hereby request:

- recovery of the following claim(s) covered by the attached unit of execution pursuant to Article 7 of Appendix IV to the Convention; the conditions of Article 7 (2) (a) and (b) are satisfied (*),
- precautionary measures to be taken, pursuant to Article 13 of Appendix IV to the Convention in respect of the person mentioned below concerning the claim(s) covered by the attached unit of execution; I attach hereto a statement of the reasons for this request (*).

Information relating to the person concerned (1)	Information relating to the claim(s)						
	Exact nature of the claim(s)	Amount expressed in the currency of the country in which the applicant authority is situated	Amount expressed in the currency of the country in which the requested authority is situated	Rate of exchange used	Other information		
(a) Name and address { known (*) assumed (*) (b) Other relevant information: — principal debtor — co-debtor — third party holding assets		Amount of principal (2)			Date on which enforcement becomes possible		
					Period of limitation		
		Amount of interest up to the date of signature of this document (2)			Assets of the debtor held by a third party		
					(Signature)		
Details of documents attached		Amount of costs up to the date of signature of this document (2)					
				(Official stamp)			
		Total					
							

(*) Delete as appropriate.
 (1) Natural or legal person.
 (2) Where the unit of execution is general, indicate the amounts of the different claims.

COMMISSION

DECISION No 1/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 21 February 1997

derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60)

(97/226/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989, and in particular Article 31 (9) and (10) of Protocol 1 thereto,

Whereas Article 31 of Protocol 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provisions for derogations to be made from the said Protocol by the Customs Cooperation Committee under certain conditions;

Whereas on 21 October 1996 the African, Caribbean and Pacific States (ACP States) submitted a request from the Government of Lesotho for a derogation from the rule of origin in the Protocol in respect of preserved asparagus, of HS heading 2005.60 produced by that country;

Whereas the requested derogation satisfies the conditions laid down in the Protocol; Lesotho being a least-developed and landlocked country; whereas refusal would lead to closure of an existing industry with concomitant adverse economic and social effects, particularly in terms of employment; whereas Lesotho is unable to operate cumulation of origin with other ACP countries or with the Community in the short term;

Whereas in view of the low volume of imports involved and the limited duration of the derogation it is not likely to cause serious injury to any industry established in the Community; whereas, however, the granting of the derogation must be linked to compliance with certain conditions intended, *inter alia*, to ensure its proper administration,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to the fourth ACP-EEC Convention, preserved asparagus of HS heading 2005.60

manufactured in Lesotho from non-originating asparagus shall be regarded as originating in that country in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the annual quantities shown in the annex exported by Lesotho to the Community from 1 November 1996 to 31 October 1999.

Article 3

The quantities referred to in Article 2 shall be administered by the Commission, which may take whatever administrative steps are required to ensure efficient management.

Where an importer presents a declaration for release to free circulation in a Member State, claiming entry under this Decision, and the declaration is accepted by the customs authorities, the Member State concerned shall draw the requisite quantity by means of an appropriate notification to the Commission.

Requests for drawings, stating the date on which the declaration was accepted, shall be forwarded to the Commission without delay.

The Commission shall release drawings according to the date on which the declarations for free circulation were accepted by the customs authorities of the Member State concerned, as far as the available balance permits.

If a Member State fails to use a drawing it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a *pro rata* basis. The Commission shall inform the Member States of drawings on the quotas.

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quota volumes as far as the available balance permits.

Article 4

Box 7 of EUR. 1 certificates issued under this Decision shall contain the words:

‘Derogation — Decision No 1/97’.

Article 5

The African, Caribbean and Pacific (ACP) States and the Member States of the European Community shall take the

measures necessary on their part to implement this Decision.

Article 6

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 21 February 1997.

*For the ACP-EC Customs
Cooperation Committee*

James CURRIE
and Alex NTIM ABANKWA
The Joint Chairmen

ANNEX

Order No.	HS Code	Goods description	Period	Quantities
09.1655	2005.60	Preserved asparagus	1. 11. 1996 to 31. 10. 1997	330 tonnes
			1. 11. 1997 to 31. 10. 1998	280 tonnes
			1. 11. 1998 to 31. 10. 1999	300 tonnes

COMMISSION DECISION

of 3 March 1997

amending Decision 95/473/EC establishing the list of approved fish farms in
France

(Text with EEA relevance)

(97/227/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EC⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Member States may obtain the status of approved farm free of infectious hematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms situated in a zone which is not approved as regards those diseases;

Whereas the list of approved farms in France was established by Commission Decision 95/473/EC⁽³⁾, as amended by Decision 96/289/EC⁽⁴⁾;

Whereas France, by letters dated 31 May 1996 and 10 October 1996, submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for other farms as also the national rules ensuring compliance with the rules on maintenance of approval;

Whereas the Commission and the Member States have examined the justifications notified by France in respect of those farms;

Whereas this examination shows that some farms meet all the requirements set out in Article 6 of Directive

91/67/EEC and that some farms do not meet these requirements, particularly as regards the sampling programme and the provisions relating to infrastructures;

Whereas, consequently, the farms which are in compliance with Directive 91/67/EEC may benefit from the status of approved farm in a non-approved zone;

Whereas those farms should be added to the list of farms which have already been approved;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/473/EC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

⁽³⁾ OJ No L 269, 11. 11. 1995, p. 31.

⁽⁴⁾ OJ No L 109, 3. 5. 1996, p. 23.

ANNEX

APPROVED FISH FARMS IN FRANCE WITH RESPECT TO IHN AND VHS

1. Pisciculture de Sarrance
Pyrénées-Atlantiques
F-40260 Castets.
 2. Pisciculture des Sources
Aveyron
F-12540 Cornus.
 3. SCEA 'Truites du lac de Cartravers'
Bois Boscher
Côtes d'Armor
F-22460 Merleac.
 4. Pisciculture du Thélohier
Ille-et-Vilaine
F-35190 Cardroc.
 5. Pisciculture de Plainville
Eure-et-Loire
F-28400 Marolles-les-Buis.
 6. Pisciculture du ruisseau de Dompierre
Meuse
F-55300 Lacroix-sur-Meuse.
 7. Pisciculture du Vaucheron
Meuse
F-55130 Gondrecourt-le-Château.
 8. Pisciculture de la source de la Deüe
Meuse
F-55500 Cousances-aux-Bois.
 9. Pisciculture de Pissos
Landes
F-40410 Pissos.
-

COMMISSION DECISION
of 3 March 1997
amending Decision 95/124/EC establishing the list of approved fish farms in
Germany
(Text with EEA relevance)

(97/228/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EC⁽²⁾, and in particular Article 6(3) thereof,

Whereas the Member States may obtain, for fish farms situated in zones which are not approved with regard to infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS), the status of approved farm free of those diseases;

Whereas the list of approved farms in Germany was established by Commission Decision 95/124/EC⁽³⁾, as amended by Decision 96/265/EC⁽⁴⁾;

Whereas, by letter dated 17 September 1996, Germany submitted to the Commission justification for granting the status of approved farm situated in a non-approved zone in respect of IHN and VHS to additional fish farms as well as the national rules ensuring compliance with the rules on maintenance of approval;

Whereas the Commission and the Member States examined the information submitted by Germany for the farms in question;

Whereas the examination showed that some of the farms meet all the requirements of Article 6 of Directive

91/67/EEC; whereas some of the farms do not meet those requirements, particularly as regards the sampling programme and infrastructures;

Whereas the farms meeting the requirements of Directive 91/67/EC may, therefore, be granted the status of approved farm situated in a non-approved zone;

Whereas those farms should be added to the list of farms already approved;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/124/EC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

⁽³⁾ OJ No L 84, 14. 4. 1995, p. 6.

⁽⁴⁾ OJ No L 91, 12. 4. 1996, p. 72.

*ANNEX***I. Farms in Lower Saxony**

1. Jochen Möller
D-30966 Hemmingen-Harkenbleck
Anlage 'Fischzucht Harkenbleck'
2. Versuchsgut Rellichausen der Universität Göttingen
(hatchery only)
D-37586 Dassel
3. Dr. R. Rosengarten
D-49124 Georgsmarienhütte
Anlage 'Forellenzucht Sieben Quellen'
4. Ulrike und Gudrun Mühler
D-37186 Moringen
Anlage 'Forellenhof Fredelsloh'
5. Klaus Kröger
D-21256 Handeloh Wörme
Anlage 'Fischzucht Klaus Kröger'
6. Ingeborg Riggert-Schlumbohm
D-29465 Schnega
Anlage 'Forellenzucht W. Riggert'

II. Farms in Thuringia

1. Firma Tautenhahn
D-98646 Trostadt
2. Firma Hattop
D-98617 Meiningen
3. Thüringer Forstamt Leinefelde
D-37327 Leinefelde
Anlage 'Fischzucht Worbis'
4. Fischzucht Salza GmbH
D-99734 Nordhausen-Salza
5. Fischzucht Kindelbrück GmbH
D-99638 Kindelbrück
6. Forellenhof Wichmar
D-07774 Wichmar

III. Farms in Baden-Württemberg

1. Kurt Bühler
D-88499 Riedlingen/Neufra
Anlage 'Bühler, Neufra'
2. Walter Dietmayer
D-72501 Gammertingen
Anlage 'Forellenzucht Walter Dietmayer, Hettingen'
3. Heiner Feldmann
D-88630 Pfullendorf
Anlage 'Bad Waldsee'
4. Heiner Feldmann
D-88630 Pfullendorf
Anlage 'Bergatreute'
5. Walter Jenz
D-72649 Wolf Schlugen
Anlage 'Wuchzenhofen, Boschenmühle'
6. Peter Schmaus
D-88410 Steinental/Hauerz
Anlage 'Fischzucht Schmaus, Steinental'
7. Josef Schnetz
D-88263 Horgenzell
Anlage 'Fenkenmühle'

8. Erwin Steinhart
D-72513 Hettingen
Anlage 'Quellwasseranlage Steinhart, Hettingen'
9. Hugo Strobel
D-72505 Hausen am Andelsbach
Anlage 'Quellwasseranlage Otterswang, Sägmühle'
10. Reinhard Lenz
D-64759 Sensbachtal
Anlage 'Forsthaus, Gaimühle'
11. Peter Hofer
D-78727 Aisteig/Oberndorf
Anlage 'Sulzbach'
12. Peter Hofer
D-78727 Aisteig/Oberndorf
Anlage 'Oberer Lautenbach'
13. Peter Hofer
D-78727 Aisteig/Oberndorf
Anlage 'Unterer Lautenbach'
14. Peter Hofer
D-78727 Aisteig/Oberndorf
Anlage 'Schelklingen'
15. Hubert Schuppert
D-88454 Unteressendorf
Anlage 'Brutanlage; Obere Fischzucht'
Anlage 'Mastanlage, Untere Fischzucht'
16. Johannes Dreier
D-88299 Leutkirch/Hebrachhofen
Anlage 'Brunnentobel'
17. Eugen Störk
D-88348 Saulgau
Anlage 'Wagenhausen'
18. Erwin Steinhart
D-73312 Geislingen/St.
Anlage 'Geislingen/St.'
19. Joachim Schindler
D-72275 Alpirsbach
Anlage 'Forellenzucht Lohmühle'
20. Heribert Wolf
D-72160 Horb-Diessen
Anlage 'Forellenzucht Sohnus'
21. Claus Lehr
D-72275 Alpirsbach-Reinerzau
Anlage 'Forellenzucht Reinerzau'
22. Hugo Hager
D-88639 Walbertweiler
Anlage 'Bruthausanlage'
23. Hugo Hager
D-88639 Walbertweiler
Anlage 'Waldanlage'
24. Gumpfer und Stoll
D-72805 Lichtenstein
Anlage 'Forellenhof Rössle; Honau'
25. Raimund Ibele
D-88271 Pfrungen
Anlage 'Pfrungen'
26. Hans Schmutz
D-89155 Erbach
Anlage 'Brutanlage 1'
Anlage 'Brutanlage 2'
Anlage 'Brut- und Setzlingsanlage 3 (Hausanlage)'

27. Wilhelm Drafehn
D-77960 Seelbach
Anlage 'Obersimonswald'
28. Wilhelm Drafehn
D-77960 Seelbach
Anlage 'Brutanlage Seelbach'
29. Franz Schwarz
D-77784 Oberharmersbach
Anlage 'Oberharmersbach'
30. Meinrad Nuber
D-88515 Langenenslingen
Anlage 'Langenenslingen'
31. Meinrad Spieß
D-88353 Kißleg
Anlage 'Höhmühle'
32. Karl Servay
D-88339 Bad Waldsee
Anlage 'Osterhofen'
33. Kreissportfischereiverein Biberach
D-88400 Biberach
Anlage 'Warthausen'
34. Hans Schmutz
D-89155 Erbach
Anlage 'Gossenzugen'
35. Reinhard Rösch
D-77723 Gengenbach
Anlage 'Haigerach'
36. Harald Tress
D-79787 Unterlauchringen
Anlage 'Unterlauchringen'

IV. Farms in North Rhine-Westphalia

1. Wolfgang Lindhorst-Emme
D-33758 Schloß Holte-Stukenbrock
Anlage 'Hirschquelle'
 2. Wolfgang Lindhorst-Emme
D-33758 Schloß Holte-Stukenbrock
Anlage 'Am Oelbach'
 3. Hugo Rameil und Söhne
D-57368 Lennestadt-Gleierbrück
Anlage 'Sauerländer Forellenzucht'.
-

COMMISSION DECISION

of 3 March 1997

amending Decision 93/693/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the bovine species from third countries

(Text with EEA relevance)

(97/229/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (1), thereof,

Whereas Commission Decision 93/693/EEC⁽²⁾ as last amended by Decision 97/103/EC⁽³⁾ establishes a list of semen collection centres approved for the export to the Community of semen of domestic animals of the bovine species from third countries;

Whereas the competent veterinary services of Poland and the Slovak Republic have forwarded requests for amendments to the list of semen collection centres officially approved for the export of semen of domestic animals of the bovine species to the Community; whereas it is therefore necessary to amend the list of approved centres; whereas guarantees regarding compliance with the requirements specified in Article 9 of Directive 88/407/EEC have been received by the Commission;

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

Article 1

The Annex to Decision 93/693/EC is amended as follows:

1. in part 3 in respect of Poland, the following semen collection centre is added:

'STACJA HODOWLI I UNASIENIANIA
ZWIERZAT'

36-007 Krasne k/Rzeszowa

Approval code: 2-AI-PL';

2. in part 11 in respect of the Slovak Republic, the following semen collection centre is added:

'INSEMAS s.r.o.
Stanica plemenných býkov
Lieskovská cesta 32
960 01 Zvolen

Approval code: ISB SR 03'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 194, 22. 7. 1988, p. 10.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 35.

⁽³⁾ OJ No L 36, 6. 2. 1997, p. 29.