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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 810/97 of 5 May 1997 providing for the rejection of applications for export licences in relation to cereal products	1
Commission Regulation (EC) No 811/97 of 5 May 1997 on the supply of vegetable oil as food aid	2
Commission Regulation (EC) No 812/97 of 5 May 1997 opening individual invitations to tender for the sale for export of vinous alcohol	5
★ Commission Decision No 813/97/ECSC of 5 May 1997 derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (164th derogation)	16
★ Commission Regulation (EC) No 814/97 of 5 May 1997 amending Regulation (EC) No 2177/96 introducing preventive distillation as provided for in Article 38 of Council Regulation (EEC) No 822/87 for the 1996/97 wine year	21
★ Commission Regulation (EC) No 815/97 of 5 May 1997 amending Regulation (EEC) No 3665/87 laying down common detailed rules for the system of export refunds on agricultural products	22
Commission Regulation (EC) No 816/97 of 5 May 1997 fixing, for April 1997, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector	23
Commission Regulation (EC) No 817/97 of 5 May 1997 fixing the agricultural conversion rates	25
Commission Regulation (EC) No 818/97 of 5 May 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables	27

Contents (continued)	Commission Regulation (EC) No 819/97 of 5 May 1997 fixing the export refunds on pigmeat	29
	* Directive 97/16/EC of the European Parliament and of the Council of 10 April 1997 amending for the 15th time Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations	31

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 810/97
of 5 May 1997
providing for the rejection of applications for export licences in relation to
cereal products

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 1527/96 ⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds common wheat, flour of common wheat and spelt and flour of meslin, groats and meal of common wheat and spelt, as well as durum wheat, flour of durum wheat and groats and meal of durum wheat could give rise

to speculation; whereas it has therefore been decided to reject all applications for export licences of such products made on 1, 2 and 5 May 1997,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1001 10 00, 1001 90 99, 1101 00 11, 1101 00 15, 1101 00 90, 1103 11 10 and 1103 11 90 made on 1, 2 and 5 May 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 6 May 1997.

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

Done at Brussels, 5 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 190, 31. 7. 1996, p. 23.

COMMISSION REGULATION (EC) No 811/97
of 5 May 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, provision should be made for tenderers to be able to mobilize either rapeseed 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 the lots specified in the Annex shall cover either rapeseed 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, 5 May 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

LOTS A and B

1. **Operation Nos** (1): 223/96 (A); 224/96 (B)
2. **Programme**: 1996
3. **Recipient** (2): WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (39 6) 579 71; telex: 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: A: Tajikistan; B: Angola
6. **Product to be mobilized**: vegetable oil: refined rapeseed oil or refined sunflower oil
7. **Characteristics and quality of the goods** (3) (4) (5): see OJ No C 114, 29. 4. 1991, p. 1 (III. A (1) (a) or (b))
8. **Total quantity (tonnes net)**: 1 000
9. **Number of lots**: two (A: 200 tonnes; B: 800 tonnes)
10. **Packaging and marking** (6): 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: A: English; B: 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 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**: 16. 6 — 6. 7. 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**: 20. 5. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 6. 1997 (12 noon (Brussels time))
 - (b) period for making the goods available at the port of shipment: 30. 6 — 20. 7. 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** (7): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
(telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively))
25. **Refund payable on application by the successful tenderer** (8): —

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) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (6) Notwithstanding OJ No C 114, point IIIA (3)(c) is replaced by the following: 'the words "European Community"'.

- (7) Tenders shall be rejected unless they specify the type of oil to which they relate.

COMMISSION REGULATION (EC) No 812/97

of 5 May 1997

opening individual invitations to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 3152/94 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas individual invitations to tender should be opened for the export of vinous alcohol to certain Caribbean and Central American countries so as to guarantee continuity of supplies to those countries and reduce the Community stock of vinous alcohol;

Whereas a specific security should be provided for to ensure that the alcohol is physically exported from the customs territory of the Community and non-compliance with the date laid down for export should be progressively penalized; whereas this security must be independent of the performance guarantee ensuring that the alcohol is removed from storage and the awarded alcohol is used for the purposes laid down;

Whereas Commission Regulation (EEC) No 2192/93 ⁽⁶⁾, concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93, specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

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

Article 1

Six sales by individual invitation to tender Nos 218/97 EC, 219/97 EC, 220/97 EC, 221/97 EC, 222/97 EC and 223/97 EC shall be held for a total quantity of 300 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35 and 36 of Regulation (EEC) No 822/87 and held by the Spanish and Italian intervention agencies.

Each of the individual invitations to tender Nos 218/97 EC, 219/97 EC, 220/97 EC, 221/97 EC, 222/97 EC and 223/97 EC shall cover a quantity of 50 000 hectolitres of alcohol at 100 % volume.

Article 2

The alcohol offered for sale:

- shall be for export outside the European Community,
- must be imported into and dehydrated:

- in the case of individual invitations to tender Nos 218/97 EC, 219/97 EC and 220/97 EC one of the following third countries:

- Costa Rica,
- Guatemala,
- Honduras, including the Swan Islands,
- El Salvador,
- Nicaragua,

- in the case of individual invitations to tender Nos 221/97 EC, 222/97 EC and 223/97 EC one of the following third countries:

- St Kitts and Nevis,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- Saint Lucia,
- Saint Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Belize,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁶⁾ OJ No L 196, 5. 8. 1993, p. 19.

- Grenada, including the Southern Grenadines,
 - Aruba,
 - Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
 - Guyana,
 - United States Virgin Islands,
 - Haiti,
- must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sales shall take place in accordance with Articles 13 to 18 and 30 to 38 of Regulation (EEC) No 377/93.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitations to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3,622 per hectolitre of alcohol at 100 % volume and shall be lodged for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit for submitting tenders and the lodging of a guarantee to ensure export and of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security lodged for each of the invitations to tender referred to in Article 1 shall be released immediately if the tender is not accepted or if the successful tenderer had lodged the entire guarantee to ensure export and the entire performance guarantee for the invitation to tender in question.

2. The guarantee to ensure export shall amount to ECU 5 per hectolitre of alcohol at 100 % volume and shall be lodged for each quantity of alcohol for which

there is a removal order under each of the invitations to tender referred to in Article 1 of this Regulation.

This guarantee shall be released only by the intervention agency holding the alcohol for each quantity of alcohol for which proof has been furnished that it has been exported within the time limit laid down in Article 6 of this Regulation. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, and except in cases of *force majeure*, where the time limit referred to in Article 6 has not been complied with, the guarantee to ensure export of ECU 5 per hectolitre of alcohol at 100 % volume shall be forfeit as follows:

- (a) 15 % in all cases;
- (b) 0,33 % of the amount remaining after deduction of the 15 %, for each day the time limit in question is exceeded.

3. The performance guarantee shall be ECU 25 per hectolitre of alcohol at 100 % volume.

This guarantee shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

4. Notwithstanding Article 17 of Regulation (EEC) No 377/93, the guarantees on export and performance shall be lodged simultaneously with each intervention agency concerned, for each of the invitations to tender referred to in Article 1 of this Regulation not later than the day of issue of a removal order for the quantity of alcohol concerned.

5. The agricultural conversion rate to be applied for the conversion into national currency shall be that in force on the final day for the submission of tenders for the invitation in question in the case of the guarantee to ensure export, as expressed in ecus per hl at 100 % volume.

Article 6

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 31 December 1997 at the latest.

2. The alcohol awarded shall be used within two years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 8

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % volume of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

(i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;

(ii) the successful tenderer may:

- either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
- or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within a maximum of eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 9

1. Successful tenderers for the individual invitations to tender Nos 218/97 EC, 219/97 EC and 220/97 EC may,

by common agreement, exchange an equal quantity of alcohol stored in the designated vats in the same Member State for the purposes provided for in those invitations to tender.

2. Successful tenderers for the individual invitations to tender Nos 221/97 EC, 222/97 EC and 223/97 EC may, by common agreement, exchange an equal quantity of alcohol stored in the designated vats in the same Member State for the purposes provided for in those invitations to tender.

3. Such exchange shall not affect the obligations of the tenderers concerned, particularly as regards the price to be paid and the time limit for removal and use of the alcohol awarded to them indicated in the invitation to tender concerned.

4. Successful tenderers who wish to make such an exchange must give prior notice to the intervention agencies concerned.

5. If such exchange affects the planned timetable for physical removal of the alcohol, that timetable shall immediately be amended and that amendment notified to the Commission.

Article 10

Notwithstanding the first subparagraph of Article 36 (2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agencies holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 11

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, 5 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 218/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tomelloso	1	45 936	35 + 36	Raw alcohol
	Tomelloso	2	4 064	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 218/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 218/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— FEAGA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00, telex: 23427 FEAGA, fax: 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 219/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tomelloso	2	5 175	35 + 36	Raw alcohol
	Tomelloso	3	18 610	35 + 36	Raw alcohol
	Tomelloso	5	26 215	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 219/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 219/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— FEGA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00, telex: 23427 FEGA, fax: 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 220/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Balice Snc — Valenzano (BA)		4 500	35	Raw alcohol
	Dist. DCA SpA — Ascoli Piceno (Via Ponnile di Sopra)		1 500	35	Raw alcohol
	Dist. D'Auria SpA — Ortona (CH)		5 100	35	Raw alcohol
	Dist. De Luca Sas — Fiduciario di fabbrica		5 000	35	Raw alcohol
	Dist. del Sud SpA — Rutigliano (BA)		6 600	36	Raw alcohol
	Dist. di Trani SpA — Trani-Foggia		1 500	35	Raw alcohol
	Dist. Enodistil SpA — Fiduciario Alcano (TP)		9 000	35	Raw alcohol
	Dist. F.Ili Russo Snc — Deposito fiduciario		1 500	35	Raw alcohol
	Dist. GE.DIS. SpA — Marsala-C. da Bartolotta		5 100	35	Raw alcohol
	Dist. Palma F. SpA — S. Antimo (NA)		1 200	35	Raw alcohol
	Dist. SAPIS SpA — Castel San Giorgio (SA)		3 300	35	Raw alcohol
	Dist. SVA SpA — Ortona (CH)		3 300	35	Raw alcohol
	Dist. Vinum SpA — Marsala (TP)		2 400	35	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 220/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.
5. Tenders must state the name and address of the tenderer and must:
 - (a) include a reference to individual sale by tender No 220/97 EC;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
 - AIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 221/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Caviro Srl — Deposito fiscale Faenza		21 000	35	Raw alcohol
	Dist. F.lli Cipriani SpA — Chizzola di Ala (TN)		3 500	35	Raw alcohol
	Dist. Mazzari SpA — S. Agata sul Santerno (RA)		15 600	35	Raw alcohol
	Dist. Neri Srl — Faenza		9 900	35	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 221/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 221/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- AIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 222/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Bonollo SpA — Anagni-Paduni		24 500	35	Raw alcohol
	Dist. Deta Srl — Barberino Velsa (FI)		1 500	35	Raw alcohol
	Dist. Di Lorenzo G. Srl — Ponte Valleceppi (PG)		9 900	35	Raw alcohol
	Dist. DICO.VISA Srl — Grogastu Deposito fiscale (CA)		2 700	35	Raw alcohol
	Dist. Inga e C. Srl — Fiduciario		1 500	35	Raw alcohol
	Dist. TAMPIERI SpA — Faenza (RA)		1 500	35	Raw alcohol
	Dist. VILLAPANA SpA — Faenza (RA)		8 400	35	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 222/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 222/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- AIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 223/97 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	13	41 335	35 + 36	Raw alcohol
	Villarrobledo	14	8 665	35 + 36	Raw alcohol
	Total		50 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 223/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21. 5. 1997.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 223/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- FEGA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00, telex: 23427 FEGA, fax: 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

ANNEX II

The only telex and fax numbers in Brussels to be used are:

DG VI (E-2) (for the attention of Mr Chiappone/Mr Van der Stappen)

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax: (32 2) 295 92 52.

ANNEX III

Communication of refusal or acceptance of lots under the individual invitation to tender for the export of vinous alcohol opened by Regulation (EC) No 812/97

— Name of the successful tenderer:

— Date of award of contract:

— Date of refusal or acceptance of the lot by the successful tenderer:

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION DECISION No 813/97/ECSC

of 5 May 1997

derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (164th derogation)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to High Authority recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, as last amended by Commission recommendation 88/27/ECSC⁽²⁾, and in particular Article 3 thereof,

Whereas certain iron and steel products with very particular physical and chemical characteristics which are essential for the production of certain goods are not manufactured in the Community, or are manufactured in insufficient quantities; whereas the shortfall has for years been made up by authorizing zero duty tariff quotas; whereas Community producers are not always in a position to meet the present quality requirements of users; whereas, consequently, it is necessary to open a quota at a level which will ensure that users are supplied;

Whereas, moreover, the importation of these products on a special basis is not such as to cause prejudice to Community iron and steel undertakings producing directly competing products;

Whereas the tariff quota in question is not such as to compromise the attainment of the objectives referred to in recommendation No 1/64 but promotes the maintenance of present trade flows between the Community and non-member countries;

Whereas there are special cases covered by commercial policy which warrant derogations pursuant to Article 3 of recommendation No 1/64;

Whereas it is necessary to ensure that the quota authorized will be intended to satisfy only the specific needs of certain processing industries;

Whereas the Governments of the Member States have been consulted about the abovementioned tariff quota,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorized to derogate from the obligations resulting from Article 1 of High Authority recommendation No 1/64 so far as is necessary to suspend at the levels shown the customs duties applying to the products below, as part of the tariff quota the quantities of which are set out below:

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 15, 20. 1. 1988, p. 13.

Order No	CN code	Taric code	Description	Quota (tonnes)	Customs duty (%)	End of quota period
09.2921	(a)		Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced), not clad, plated or coated:	150	0	31.12.1997
	ex 7209 16 90	10	Of a thickness exceeding 1 mm but less than 3 mm			
	ex 7209 17 90	10	Of a thickness of 0,5 mm or more but not exceeding 1 mm			
09.2922	(b)		Flat-rolled products of stainless steel, of a width of 600 mm or more, not further worked than cold rolled:	350	0	31.12.1997
	ex 7219 33 10	11 12	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	11 12	Of a thickness of 0,5 mm or more but not exceeding 1 mm containing by weight 2,5 % or more of nickel			
09.2927	(c)		Flat-rolled products of stainless steel, of a width of 600 mm or more, not further worked than cold rolled:	600	0	31.12.1997
	ex 7219 33 10	13 14 15 16 17 18	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	13 14 15 16 17 18	Of a thickness of 0,5 mm or more but not exceeding 1 mm containing by weight 2,5 % or more of nickel			

2. The abovementioned products must further fulfil the following physical specifications:

(a) Products falling within CN codes ex 7209 16 90 and ex 7209 17 90:

Hard steel containing by weight between 0,64 and 0,70 % of carbon intended for the production of assembly/conveyor belts characterized by a permissible operating or working temperature of 400 °C and a tensile strength of 1 200 N/mm² (+/- 10 %). Other elements or properties in accordance with special technical specifications (HM 1708).

(b) Products falling within CN codes ex 7219 33 10 11/12 and ex 7219 34 10 11/12:

'Nicro' stainless steel intended for the production of assembly/conveyor belts characterized by a permissible working temperature of 350 °C.

Type (i) Nicro 31: tensile strength 1 050 N/mm² (+/- 10 %). Chemical composition: maximum carbon content 0,06 %; chrome content 13 %; nickel content 4 %.

Other elements and properties in accordance with special technical specifications (HM 1708).

Type (ii) Nicro 52,6: tensile strength 1 550 N/mm² (+/- 15 %). Chemical composition: maximum carbon content 0,09 %; chromium content 15 %; nickel content 7 %; copper content 0,7 %; titanium content 0,4 %.

Other elements and properties in accordance with special technical specifications (HM 1708).

- (c) Products falling within CN codes ex 7219 33 10 13/14/15/16/17/18 and 7219 34 10 13/14/15/16/17/18:

Stainless steel intended for the production of assembly/conveyor belts

Type (i): tensile strength 1 200 N/mm². Chemical composition: carbon content 0,1 %; silicon content 0,6 %; manganese content 1,4 %; chromium content 17,5 %; nickel content 7,5 %.

Other elements and properties in accordance with special technical specifications (HM 1712).

Type (ii): tensile strength 1 200 N/mm². Chemical composition: carbon content 0,06 %; silicon content 0,6 %; manganese content 1,4 %; chromium content 18,5 %; nickel content 8,5 %.

Other elements and properties in accordance with special technical specifications.

Type (iii): tensile strength 1 000 N/mm². Chemical composition: carbon content 0,05 %; silicon content 0,6 %; manganese content 1,7 %; chromium content 17,5 %; nickel content 12,5 %; molybdenum content 2,7 %.

Other elements and properties in accordance with special technical specifications.

Type (iv): tensile strength 1 080 N/mm². Chemical composition: maximum carbon content 0,05 %; maximum silicon content 1 %; chromium content 13 %; nickel content 4 %; titanium content 0,3 %.

Other elements and properties in accordance with special technical specifications (HM 1710).

Type (v): tensile strength 1 150 N/mm². Chemical composition: maximum carbon content 0,08 %; silicon content 1,5 %; chromium content 14 %; nickel content 7 %; copper content 0,7 %.

Other elements and properties in accordance with special technical specifications (HM 1701).

Type (vi): tensile strength 1 200 N/mm². Chemical composition: carbon content 0,03 %; silicon content 0,6 %; chromium content 15,25 %; nickel content 4,9 %; copper content 3,25 %.

Other elements and properties in accordance with special technical specifications.

Note: The composition of products (a), (b) and (c) (i) to (vi) may vary within the limits laid down or permitted by standards in force relating to analysis.

Article 2

The Member States are hereby authorized to derogate from the obligations resulting from Article 1 of High Authority recommendation No 1/64 so far as is necessary to suspend at the levels shown the customs duties applying to the products below, as part of the tariff quota the quantities of which are set out below:

Order No	CN code	Taric code	Description	Quota (tonnes)	Customs duty (%)	End of quota period
09.2923	(a) ex 7227 90 95	15	Special wire rod for the manufacture of oil-quenched valve springs, of a diameter of 5 mm or more but not exceeding 15 mm, of other alloy steels containing by weight: 0,5 % or more but not more than 0,8 % of carbon 0,1 % or more but not more than 1,7 % of silicon 0,5 % or more but not more than 0,8 % of manganese 0,03 % or less of sulphur 0,03 % or less of phosphorus 0,4 % or more but not more than 0,8 % of chromium 0,1 % or more but not more than 0,3 % of vanadium	5 000	0	31. 12. 1997

Order No	CN code	Taric code	Description	Quota (tonnes)	Customs duty (%)	End of quota period
09.2924	(b) ex 7227 90 95	25	Special wire rod for the manufacture of oil-quenched valve springs of a diameter of 5,5 mm or more but not exceeding 10 mm, of other alloy steels containing by weight: 0,63 % or more but not more than 0,72 % of carbon 0,15 % or more but not more than 0,3 % of silicon 0,5 % or more but not more than 0,9 % of manganese 0,02 % or less of sulphur 0,02 % or less of phosphorus 0,4 % or more but not more than 0,6 % of chromium 0,06 % or less of copper 0,06 % or less of nickel 0,1 % or more but not more than 0,2 % of vanadium	500	0	31.12.1997

Article 3

The tariff quotas referred to in Articles 1 and 2 shall be administered by the Commission which may take all necessary administrative measures to ensure that they are efficiently administered.

Article 4

If an importer submits in a Member State, a declaration for release for free circulation including an application for benefit of preference in respect of a product referred to in this Decision and if this declaration is accepted by the customs authorities, the Member State concerned shall proceed, by means of notification to the Commission, to draw a quantity matching its requirements from the relevant quota amount.

Applications for drawing, stating the date of acceptance of the declarations in question shall be sent to the Commission without delay.

Drawings are authorized by the Commission according to the date of acceptance of declarations for release for free circulation by the customs authorities of the Member State concerned where the available balance permits.

If a Member State does not use the quantities drawn it shall return them to the relevant quota as soon as possible.

Where the quantities applied for exceed the available balance of the quota, allocation shall be *pro rata* applications. Member States shall be informed by the Commission of drawings made.

Article 5

Each Member State shall provide importers of the products in question with equal and continuous access to the tariff quotas for as long as the balance of quotas permits.

Article 6

The Member States and the Commission shall collaborate closely in order to ensure compliance with this Decision.

Article 7

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

It shall apply from 1 January to 31 December 1997.

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

Done at Brussels, 5 May 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 814/97

of 5 May 1997

amending Regulation (EC) No 2177/96 introducing preventive distillation as provided for in Article 38 of Council Regulation (EEC) No 822/87 for the 1996/97 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾, and in particular Article 38 (5) thereof,

Article 1a of Regulation (EC) No 2177/96 is hereby amended as follows:

1. The word 'contracts' is replaced throughout by 'contracts or declarations';

2. The following subparagraph is added to paragraph 1:

'Transfers of rights and obligations as provided for in the first subparagraph shall also be permitted in the case of producers who wish to deliver white wine instead of red wine for preventive distillation under contracts or declarations submitted for approval to the competent intervention agency by 25 January 1997 at the latest.'

Article 2

Whereas deliveries of wine for distillation are subject to the conclusion of contracts or declarations in accordance with Articles 4 and 5 of Council Regulation (EEC) No 2046/89 of 19 June 1989 laying down general rules for distillation operations involving wine and the by-products of wine-making ⁽³⁾, as last amended by Regulation (EC) No 2468/96 ⁽⁴⁾; whereas the possibility of transferring rights and obligations under contracts provided for in Commission Regulation (EC) No 2177/96 ⁽⁵⁾, as last amended by Regulation (EC) No 510/97 ⁽⁶⁾, must accordingly apply to the contracts and declarations concerned; whereas, for the sake of equality, such transfers of rights and obligations must be permitted not only between producers but also between red wine and white wine delivered by one and the same producer;

In Article 1b (4) of Regulation (EC) No 2177/96, the date '30 June 1997' is hereby replaced by '31 July 1997'.

Article 3

Whereas distilleries, in particular in some wine-growing regions, are facing insurmountable difficulties in meeting the time limits laid down for wine deliveries; whereas the final date for deliveries of wine should accordingly be put back to 31 July 1997;

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

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, 5 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 202, 14. 7. 1989, p. 14.

⁽⁴⁾ OJ No L 335, 24. 12. 1996, p. 7.

⁽⁵⁾ OJ No L 291, 14. 11. 1996, p. 17.

⁽⁶⁾ OJ No L 80, 21. 3. 1997, p. 9.

COMMISSION REGULATION (EC) No 815/97

of 5 May 1997

amending Regulation (EEC) No 3665/87 laying down common detailed rules for the system of export refunds on agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (11) thereof, together with the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Whereas Articles 23 to 26 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community customs code⁽³⁾, as last amended by Regulation (EC) No 82/97⁽⁴⁾, define the non-preferential origin of goods; whereas it is appropriate to clarify that, for the grant of export refunds, only products wholly obtained or substantially processed in the Community are deemed to be of Community origin;

Whereas Commission Regulation (EEC) No 3665/87⁽⁵⁾, as last amended by Regulation (EC) No 495/97⁽⁶⁾, should accordingly be amended;

Whereas the Management Committees concerned have not delivered an opinion within the limit laid down by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 3665/87, Article 10 (1) is replaced by the following:

'1. Where the refund is granted on condition the product is of Community origin, exporters shall declare such origin in accordance with the Community rules in force.

For the grant of the refund, products are of Community origin if they are wholly obtained in the Community or if they underwent their last substantial processing or working in the Community in accordance with the provisions of Articles 23 or 24 of Council Regulation (EEC) No 2913/92^(*).

(*) OJ No L 302, 19. 10. 1992, p. 1.'

Article 2

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

It shall apply to operations for which an export declaration is accepted from the date of its entry into force.

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

Done at Brussels, 5 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 1.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 77, 19. 3. 1997, p. 12.

COMMISSION REGULATION (EC) No 816/97

of 5 May 1997

fixing, for April 1997, the specific agricultural conversion rate for the amount of the reimbursement of storage costs 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 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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 July 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector⁽⁵⁾, as last amended by Regulation (EC) No 59/97⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural

conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for April 1997, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for April 1997 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1997.

It shall apply with effect from 1 April 1997.

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

Done at Brussels, 5 May 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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 14, 17. 1. 1997, p. 25.

ANNEX

to the Commission Regulation of 5 May 1997 fixing, for April 1997, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	40,3384	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,95510	German marks
	311,761	Greek drachmas
	165,571	Spanish pesetas
	6,61023	French francs
	0,756658	Irish punt
	1 973,93	Italian lire
	2,19904	Dutch guilders
	13,7588	Austrian schillings
	198,202	Portuguese escudos
	6,02811	Finnish marks
	8,83274	Swedish kroner
	0,742320	Pound sterling

COMMISSION REGULATION (EC) No 817/97
of 5 May 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 759/97 ⁽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 26 April to 5 May 1997, it is necessary to fix a new

agricultural conversion rate for the Belgian franc, the German mark, the Dutch guilder, the Austrian schilling and the 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 759/97 is hereby repealed.

Article 4

This Regulation shall enter into force on 6 May 1997.

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

Done at Brussels, 5 May 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 110, 26. 4. 1997, p. 46.

⁽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 =	40,4285	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,95929	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	6,02811	Finnish marks
	2,20397	Dutch guilders
	0,756658	Irish punt
	1 973,93	Italian lire
	13,7910	Austrian schillings
	165,571	Spanish pesetas
	8,88562	Swedish kroner
	0,742320	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,8736	Belgian and Luxembourg francs	ECU 1 =	42,1130	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,88393	German marks		2,04093	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
	2,11920	Dutch guilders		2,29580	Dutch guilders
	0,727556	Irish punt		0,788185	Irish punt
	1 898,01	Italian lire		2 056,18	Italian lire
	13,2606	Austrian schillings		14,3656	Austrian schillings
	159,203	Spanish pesetas		172,470	Spanish pesetas
	8,54387	Swedish kroner		9,25585	Swedish kroner
	0,713769	Pound sterling		0,773250	Pound sterling

COMMISSION REGULATION (EC) No 818/97

of 5 May 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 6 May 1997.

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

Done at Brussels, 5 May 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 5 May 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 25	052	90,5
	204	46,3
	212	108,7
	999	81,8
ex 0707 00 20	052	93,9
	999	93,9
0709 90 75	052	97,9
	999	97,9
0805 10 21, 0805 10 25, 0805 10 29	052	64,9
	204	45,5
	212	55,5
	400	57,1
	448	26,0
	600	56,2
	624	65,0
	625	36,7
	999	50,9
0805 30 20	388	61,1
	600	60,7
	999	60,9
0808 10 61, 0808 10 63, 0808 10 69	060	53,4
	388	74,5
	400	97,0
	404	80,1
	508	80,2
	512	79,7
	524	69,9
	528	81,3
	804	101,0
	999	79,7

⁽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 819/97
of 5 May 1997
fixing the export refunds on pigmeat

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular the second paragraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas, in the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken

to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 2230/96⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1997.

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

Done at Brussels, 5 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.
⁽⁴⁾ OJ No L 305, 27. 11. 1996, p. 1.

ANNEX

to the Commission Regulation of 5 May 1997 fixing the export refunds on pigmeat

<i>(ECU/100 kg net weight)</i>			<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
0203 11 10 9000	01	0,00	0203 29 15 9100	01	0,00
0203 12 11 9100	01	0,00	0210 11 31 9110	01	95,00
0203 12 19 9100	01	0,00	0210 11 31 9910	01	95,00
0203 19 11 9100	01	0,00	0210 12 19 9100	01	25,00
0203 19 13 9100	01	0,00	0210 19 81 9100	01	100,00
0203 19 15 9100	01	0,00	0210 19 81 9300	01	80,00
0203 21 10 9000	01	0,00	1601 00 91 9100	01	32,00
0203 22 11 9100	01	0,00	1601 00 99 9100	01	0,00
0203 22 19 9100	01	0,00	1602 41 10 9210	01	65,00
0203 29 11 9100	01	0,00	1602 42 10 9210	01	40,00
0203 29 13 9100	01	0,00	1602 49 19 9190	01	0,00

⁽¹⁾ The destinations are as follows:

01 All third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

DIRECTIVE 97/16/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 10 April 1997****amending for the 15th time Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations**

THE EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

Whereas Article 7a of the Treaty establishes an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas all Member States, with the exception of Austria, Finland, Greece, Italy and Luxembourg, are Contracting Parties to the Convention for the Prevention of Marine Pollution from Land-Based Sources (1974 Paris Convention); whereas the Paris Commission, the executive body of the Paris Convention, considers hexachloroethane and the substances that can be formed as a result of its use as substances which create pollution that should be eliminated in accordance with Article 4 (1) (a) of the Paris Convention; whereas the Council by a mandate adopted on 4 March 1996 authorized the Commission to negotiate a decision to phase out hexachloroethane with some exceptions for use in the non-ferrous metal industries and in particular in non-integrated foundries casting aluminium and for certain magnesium alloys; whereas as a result of the negotiations held at the meeting of the Oslo and Paris Commissions in Oslo in June 1996 Parcom Decision 96/1 on the phasing out of the use of hexachloroethane in the non-ferrous metal industry was adopted, replacing existing Parcom Decisions 92/4 and 93/1 on the same matter; whereas Parcom Decision 96/1

provides for a review of the need for the exceptions to the ban on the use of hexachloroethane in 1998;

Whereas the limits imposed on Member States as regards the placing on the market of hexachloroethane for use in the non-ferrous metal industries directly affect the functioning of the internal market; whereas it is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to Directive 76/769/EEC ⁽⁴⁾;

Whereas in view of the scope and effects of the proposed action, the Community measures envisaged by this Directive are not merely necessary, but vital for the attainment of the stated objectives; whereas these objectives cannot be achieved by Member States individually; whereas furthermore their attainment at Community level is already provided for by Directive 76/769/EEC,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC shall be amended as set out in the Annex hereto.

Article 2

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1997 at the latest. They shall immediately inform the Commission thereof.

They shall apply these provisions from 1 January 1998.

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

⁽¹⁾ OJ No C 382, 31. 12. 1994, p. 35 and OJ No C 12, 17. 1. 1996, p. 12.

⁽²⁾ OJ No C 236, 11. 9. 1995, p. 12.

⁽³⁾ Opinion of the European Parliament of 20 September 1995 (OJ No C 269, 16. 10. 1995, p. 63), Council common position of 26 November 1996 (OJ No C 41, 10. 2. 1997, p. 1) and Decision of the European Parliament of 16 January 1997 (OJ No C 33, 3. 2. 1997) and Council Decision of 13 March 1997.

⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 201. Directive as last amended by Directive 94/60/EC (OJ No L 365, 31. 12. 1994, p. 1).

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 April 1997.

For the European Parliament

The President

J.M. GIL-ROBLES

For the Council

The President

A. VAN DOK VAN WEELE

ANNEX

The following substance is added to Annex I to Directive 76/769/EEC:

'xx Hexachloroethane
CAS No 67-72-1
EINECS No 2006664

May not be used in the manufacturing or processing of non-ferrous metals

By way of derogation, Member States may allow on their territories the use of hexachloroethane (HCE):

- in non-integrated aluminium foundries producing specialized castings for applications requiring high quality and high safety standards and where consumption is less than 1,5 kg of HCE per day on average. In view of the development in knowledge and techniques in the field of substitute products, the Commission will carry out, in agreement with the Member States and within the Parcom framework, a review of this derogation before 31 December 1998,
 - for grain refining in the production of the magnesium alloys AZ81, AZ91 and AZ92. In view of the development in knowledge and techniques in the field of substitute products, the Commission will carry out, in agreement with the Member States and within the Parcom framework, a review of this derogation before 31 December 1998.
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