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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1130/97

of 17 June 1997

on the conclusion of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with Article 228 (2) and (3), first subparagraph, thereof,

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

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

Whereas, in accordance with the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe ⁽³⁾, the Contracting Parties held negotiations with a view to determining amendments or additions to be made to that Agreement at the end of the period of application of the Protocol;

Whereas, as result of these negotiations, a new Protocol defining, for the period 1 June 1996 to 31 May 1999, the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 23 May 1996;

Whereas it is in the Community's interest to approve the said Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement

between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation ⁽⁴⁾.

Article 2

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:-

- freezer tuna seiners: France 18, Spain 19,
- pole-and-line tuna vessels: France 7,
- surface long-liners: Spain 20, Portugal 5.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol the Commission may entertain licence applications from any other Member State.

Article 3

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

Article 4

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

⁽¹⁾ OJ No C 298, 9. 10. 1996, p. 13.

⁽²⁾ OJ No C 167, 2. 6. 1997.

⁽³⁾ OJ No L 54, 25. 2. 1984, p. 2.

⁽⁴⁾ The Protocol is published in OJ No L 46, 17. 2. 1997, p. 76.

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

Done at Luxembourg, 17 June 1997.

For the Council

The President

A. JORRITSMA-LEBBINK

COUNCIL REGULATION (EC) No 1131/97

of 17 June 1997

amending Regulation (EC) No 391/97 fixing, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 391/97 ⁽²⁾ lays down, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway;

Whereas the Community, the Faroe Islands, Iceland, Norway and the Russian Federation held consultations which led, on 14 December 1996, to recommending to the respective authorities an arrangement on the management and sharing of Norwegian spring-spawning herring (Atlanto-Scandian herring) in 1997;

Whereas pursuant to this arrangement, a subsequent arrangement on reciprocal access was agreed upon by the Community and Norway, under which Norway may fish 10 000 tonnes of its share in Community fishing waters north of 62° N;

Whereas the Community and Norway held further consultations pertaining to the conduct of this fishery and, in particular, the licensing conditions;

Whereas it is now necessary to implement these arrangements in as much as access of vessels flying the flag of Norway to Community fishing waters is concerned and to amend Regulation (EC) No 391/97 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 391/97 is hereby amended as follows:

1. The following subparagraph shall be added after the first subparagraph of Article 1 (1):

‘By way of derogation from the first subparagraph, ten licences and special fishing permits valid on any one day shall be issued by the Commission on behalf of the Community for vessels fishing herring in ICES division IIa (north of 62° N)’.

2. The table which appears in the Annex to this Regulation shall be added to Annex I.

Article 2

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

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

Done at Luxembourg, 17 June 1997.

For the Council

The President

A. JORRITSMA-LEBBINK

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 66, 6. 3. 1997, p. 49.

ANNEX

Norwegian catch quotas for 1997

(in tonnes, fresh round weight)

Species	Area within which fishing is authorized	Quantity
Herring	ICES IIa	10 000

COUNCIL REGULATION (EC) No 1132/97

of 17 June 1997

amending Regulation (EC) No 393/97 laying down, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of the Faroe Islands

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 393/97 ⁽²⁾ lays down, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of the Faroe Islands;

Whereas the Community, the Faroe Islands, Iceland, Norway and the Russian Federation held consultations which led, on 14 December 1996 to recommending to the respective authorities an arrangement on the management and sharing of Norwegian spring-spawning herring (Atlanto-Scandian herring) in 1997;

Whereas pursuant to this arrangement, a subsequent arrangement on reciprocal access was agreed upon by the Community and the Faroe Islands under which the Faroe Islands may fish 12 500 tonnes of their share in Community fishing waters north of 62° N;

Whereas the Community and the Faroe Islands held further consultations pertaining to the conduct of this fishery and, in particular, the licensing conditions;

Whereas it is now necessary to implement these arrangements in as much as access of vessels flying the flag of the Faroe Islands to Community fishing waters is concerned and to amend Regulation (EC) No 393/97 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 393/97 is hereby amended as follows:

1. the following point shall be inserted after Article 3 (2):

'(g) 21 for the fishing of herring in ICES division IIa, (north of 62° N). Requests for replacement of licences and special fishing permits within this maximum number may be made at any time and shall be processed expeditiously'.

2. The table which is given in the Annex to this Regulation shall be added to Annex I, point 1.

Article 2

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

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

Done at Luxembourg, 17 June 1997.

For the Council

The President

A. JORRITSMA-LEBBINK

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 66, 6. 3. 1997, p. 61.

*ANNEX***Faroese catch quotas for 1997**

Species	Fishing zone: ICES sub-area/division	Quantity (tonnes)
Herring	Ila	12 500

COMMISSION REGULATION (EC) No 1133/97

of 20 June 1997

establishing the extent to which applications for export licences in relation to products falling within the beef and veal sector may accepted

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⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 laying down special rules for the application of the system of import and export licences for beef and repealing Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EC) No 266/97⁽⁴⁾, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds is greater than the quantities available for 1996/97; whereas, therefore, an acceptance coefficient should be set for export licence applications submitted from 16 to 18 June 1997; whereas licences should not be issued for applications which are pending and applications for advance fixing should not be accepted on 23 June 1997,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 10 (2) of Regulation (EC) No 1445/95:

1. applications for export licences with advance fixing of refunds for products in the beef and veal sector:
 - submitted during the period 16 to 18 June 1997 shall be accepted with a coefficient of 60 %,
 - submitted on 19 and 20 June 1997 shall be rejected;
2. submission of applications for export licences with advance fixing of refunds for products in the beef and veal sector shall be suspended on 23 June 1997.

Article 2

This Regulation shall enter into force on 21 June 1997.

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

Done at Brussels, 20 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ No L 45, 15. 2. 1997, p. 1.

COMMISSION REGULATION (EC) No 1134/97

of 20 June 1997

amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

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 Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 921/97 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 1997.

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

Done at Brussels, 20 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 131, 23. 5. 1997, p. 26.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmit

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A					Categoría C		
Medlemsstat eller region	Kategori A					Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A					Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α					Κατηγορία Γ		
Member States or regions of a Member State	Category A					Category C		
États membres ou régions d'États membres	Catégorie A					Catégorie C		
Stati membri o regioni di Stati membri	Categoria A					Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A					Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A					Categoria C		
Jäsenvaltiot tai alueet	Luokka A					Luokka C		
Medlemsstater eller regioner	Kategori A					Kategori C		
	S	E	U	R	O	U	R	O
België/Belgique	×	×	×	×				
Danmark				×	×			
Deutschland			×	×				
Spain			×	×				
France			×	×				×
Italia				×				
Ireland						×	×	×
Nederland				×				
Österreich			×	×				
Portugal			×	×				
Suomi				×	×			
Sweden				×	×			
Great Britain			×	×	×	×	×	×
Northern Ireland			×	×	×	×	×	×

COMMISSION REGULATION (EC) No 1135/97**of 20 June 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 21 June 1997.

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

Done at Brussels, 20 June 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 20 June 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
0709 90 77	052	81,8
	999	81,8
0805 30 30	388	71,8
	528	63,1
	999	67,5
	388	87,7
0808 10 61, 0808 10 63, 0808 10 69	400	94,5
	404	76,7
	508	80,0
	512	66,0
	524	93,2
	528	68,7
	804	94,7
	999	82,7
	052	190,7
	064	144,2
0809 20 49	066	104,0
	400	199,3
	616	93,7
	999	146,4

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

COMMISSION REGULATION (EC) No 1136/97

of 20 June 1997

on the issuing of import licences for bananas under the tariff quota for the third quarter of 1997 and on the submission of new applications

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community; whereas Commission Regulation (EC) No 478/95 ⁽⁵⁾, as amended by Regulation (EC) No 702/95 ⁽⁶⁾, lays down additional rules for the application of the tariff quota arrangements laid down in Articles 18 and 19 of Regulation (EEC) No 404/93;

Whereas Article 9 (3) of Regulation (EEC) No 1442/93 lays down that, where, in the case of a given quarter and a given origin, for a country or group of countries referred to in Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators appreciably exceed the indicative quantity fixed, a reduction percentage to be applied to applications shall be set; whereas, however, that provision does not apply to category C licence applications nor to category A and B applications relating to a quantity of 150 tonnes or less, provided that the total quantity covered by the category A and B applications does not exceed, for a given origin, 15 % of the total of the quantities applied for;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1442/93, the indicative quantities for import under the

tariff quota are laid down for the third quarter of 1997 in Commission Regulation (EC) No 934/97 ⁽⁷⁾;

Whereas in the case of the quantities covered by licence applications that are either less than or not significantly more than the indicative quantities fixed for the quarter in question, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for considerably exceed the indicative quantities or the percentages set out in the Annex to Regulation (EC) No 478/95; whereas, therefore, a reduction percentage should be set to be applied under the aforementioned conditions to licence applications for the origin or origins involved and category of licence in question;

Whereas, the maximum quantity for which licence applications may still be submitted should be set taking account of the indicative quantities fixed by Regulation (EC) No 934/97 and the applications accepted at the end of the application period running from 1 to 7 June 1997;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible;

Whereas the Management Committee for Bananas has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the tariff quota for the import of bananas, provided for in Articles 18 and 19 of Regulation (EEC) No 404/93, for the third quarter of 1997:

1. for the quantity indicated in the licence application:

- (a) multiplied, in the case of the origin 'Costa Rica', by the reduction coefficient of 0,6173 for category B licence applications, excluding applications relating to a quantity of 150 tonnes or less;

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ No L 49, 4. 3. 1995, p. 13.

⁽⁶⁾ OJ No L 71, 31. 3. 1995, p. 84.

⁽⁷⁾ OJ No L 137, 28. 5. 1997, p. 1.

- (b) multiplied, in the case of the origin 'Others', by the reduction coefficient of 0,5809 for category A and B licence applications, excluding applications relating to a quantity of 150 tonnes or less;
 - (c) multiplied, in the case of the origin 'Colombia', by the reduction coefficient of 0,5631 for category B licence applications, excluding applications relating to a quantity of 150 tonnes or less;
2. for the quantity indicated in the licence application, in the case of an origin other than those referred to in point 1 above;

3. for the quantity indicated in the application, in the case of category C licences.

Article 2

The quantities for which licence applications may still be lodged in respect of the third quarter of 1997 are laid down in the Annex hereto.

Article 3

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, 20 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

	(in tonnes)
	Quantities available for new requests
COLOMBIA	
— Category A	70 665,309
COSTA RICA	
— Category A	74 798,281
NICARAGUA	
— Category A	12 474,000
— Category B	5 346,000
VENEZUELA	9 280,513
DOMINICAN REPUBLIC	6 464,402
BELIZE	4 003,288
CAMEROON	2 025,000
CÔTE D'IVOIRE	1 563,500
Other ACP	1 329,986

COMMISSION REGULATION (EC) No 1137/97
of 20 June 1997
adjusting the agrimonetary compensatory aid granted in Belgium, Luxembourg,
Germany, the Netherlands, Austria and Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1527/95 of 29 June 1995 regulating compensation for reductions in the agricultural conversion rates of certain national currencies⁽¹⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EC) No 2990/95 of 18 December 1995 regulating compensation for appreciable reductions in the agricultural conversion rates before 1 July 1996⁽²⁾, as amended by Regulation (EC) No 1451/96⁽³⁾, and in particular Article 2 (4) thereof,

Whereas Regulations (EC) No 1527/95 and (EC) No 2990/95 establish the principle of an agrimonetary compensatory payment the maximum amount of the first tranche of which is determined as a function of the size of the appreciable reduction in the agricultural conversion rates in question; whereas the amounts of the second and third tranches of the payments must be reduced relative to the first tranche by at least one-third of the amount granted during the first tranche; whereas the appreciable reductions which affected the Belgian/Luxembourg franc, the German mark, the Dutch guilder and the Austrian schilling in 1995 were 2,193 %, 2,229 %, 2,572 % and 2,264 % respectively; whereas the appreciable reduction which affected the Swedish krona on 7 July 1996 was 3,280 %;

Whereas Article 6 (2) of Commission Regulation (EC) No 2921/95 of 18 December 1995 laying down detailed rules for compensation for reductions in certain agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 1481/96⁽⁵⁾, provides for the maximum amounts of the second and third tranches of the payments to be adjusted on the basis of the impact on incomes of the increase in the agricultural conversion rates occurring before the start of those tranches; whereas, pursuant to Article 2 (1) of Regulation (EC) No 1527/95 and to Article 2 (1) of Regu-

lation (EC) No 2990/95, the tranches are determined for periods of 12 months, starting with the month following the relevant reduction in the agricultural conversion rate;

Whereas there have been several increases in the relevant agricultural conversion rates between the dates of their appreciable reductions and, on the one hand, the start of the second tranche of payments for Sweden, and on the other, the start of the third tranche of payments for the other Member States;

Whereas the agrimonetary compensatory payments referred to in Regulations (EC) No 1527/95 and (EC) No 2990/95 are calculated as lump sums; whereas, as a result of the level reached by the agricultural conversion rates, the second tranche for Sweden and the third tranche for Belgium, Luxembourg, Germany, the Netherlands and Austria should be cancelled; whereas those adjustments in payments must be applicable from the start of the tranches in question;

Whereas the relevant Management Committees have not delivered opinions within the time limits laid down by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

1. The third tranche of compensatory payments provided for in Regulation (EC) No 1527/95 for Belgium, Luxembourg, Germany, the Netherlands and Austria is hereby cancelled.

2. The second tranche of compensatory payments for Sweden provided for in Regulation (EC) No 2990/95 as a result of the appreciable reduction in the agricultural conversion rate which occurred on 7 July 1996 is hereby cancelled. Grant of the third tranche will be examined taking account of the effects of monetary trends up to 1 July 1998.

Article 2

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

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 1.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 7.

⁽³⁾ OJ No L 187, 26. 7. 1996, p. 1.

⁽⁴⁾ OJ No L 305, 19. 12. 1995, p. 60.

⁽⁵⁾ OJ No L 188, 27. 7. 1996, p. 21.

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

Done at Brussels, 20 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1138/97
of 20 June 1997
amending the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as amended by Regulation (EC) No 641/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1081/97⁽⁵⁾, as amended by Regulation (EC) No 1102/97⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1081/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 1081/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 21 June 1997.

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

Done at Brussels, 20 June 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 98, 15. 4. 1997, p. 2.

⁽⁵⁾ OJ No L 157, 14. 6. 1997, p. 3.

⁽⁶⁾ OJ No L 160, 18. 6. 1997, p. 8.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	8,87	0,00
1001 90 91	Common wheat seed	41,18	31,18
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	41,18	31,18
	medium quality	61,06	51,06
	low quality	77,69	67,69
1002 00 00	Rye	77,73	67,73
1003 00 10	Barley, seed	77,73	67,73
1003 00 90	Barley, other ⁽³⁾	77,73	67,73
1005 10 90	Maize seed other than hybrid	91,68	81,68
1005 90 00	Maize other than seed ⁽³⁾	91,68	81,68
1007 00 90	Grain sorghum other than hybrids for sowing	77,73	67,73

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 13 June 1997 to 19 June 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2.14 %	HRW2.11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	128,11	119,40	111,09	94,48	176,06 (¹)	107,20 (¹)
Gulf premium (ECU/tonne)	—	14,09	5,60	8,43	—	—
Great Lakes premium (ECU/tonne)	15,64	—	—	—	—	—

(¹) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,30 per tonne; Great Lakes — Rotterdam: ECU 21,75 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 1139/97

of 20 June 1997

definitively fixing the aid for unginnged cotton from 1 September 1996 to 31 March 1997 for the 1996/97 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽²⁾, amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Article 5 (1) thereof,

Whereas, pursuant to Article 3 of Regulation (EC) No 1554/95, the world market price for unginnged cotton is fixed periodically during the marketing year;

Whereas Commission Regulation (EC) No 1117/97⁽⁴⁾ fixes actual production of unginnged cotton and the amount by which the guide price in each Member State is to be reduced pursuant to Article 6 of Regulation (EC) No 1554/95 for the 1996/97 marketing year;

Whereas Article 5 (1) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton⁽⁵⁾, as last amended by Regulation (EC) No 1645/96⁽⁶⁾, provides for the aid on unginnged cotton applicable to each period for which a world market price determined to be fixed before 15 July;

Whereas the aid for the 1996/97 marketing year should accordingly be fixed definitively,

Article 1

The aid on unginnged cotton corresponding to the world prices fixed in Commission Regulations (EC) No 1723/96⁽⁷⁾, No 1747/96⁽⁸⁾, No 1836/96⁽⁹⁾, No 1894/96⁽¹⁰⁾, No 2097/96⁽¹¹⁾, No 2158/96⁽¹²⁾, No 2170/96⁽¹³⁾, No 2199/96⁽¹⁴⁾, No 2280/96⁽¹⁵⁾, No 2306/96⁽¹⁶⁾, No 2365/96⁽¹⁷⁾, No 2516/96⁽¹⁸⁾, No 101/97⁽¹⁹⁾, No 139/97⁽²⁰⁾, No 185/97⁽²¹⁾, No 284/97⁽²²⁾, No 353/97⁽²³⁾, No 373/97⁽²⁴⁾, No 465/97⁽²⁵⁾ and No 498/97⁽²⁶⁾ shall be as set out in the Annex hereto, which amount shall be fixed definitively from the entry into force of each of the Regulations concerned.

Article 2

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

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ No L 163, 20. 6. 1997, p. 9.

⁽⁵⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁶⁾ OJ No L 207, 17. 8. 1996, p. 3.

⁽⁷⁾ OJ No L 221, 31. 8. 1996, p. 61.

⁽⁸⁾ OJ No L 226, 7. 9. 1996, p. 18.

⁽⁹⁾ OJ No L 243, 24. 9. 1996, p. 29.

⁽¹⁰⁾ OJ No L 249, 1. 10. 1996, p. 39.

⁽¹¹⁾ OJ No L 282, 1. 11. 1996, p. 31.

⁽¹²⁾ OJ No L 289, 12. 11. 1996, p. 10.

⁽¹³⁾ OJ No L 290, 13. 11. 1996, p. 16.

⁽¹⁴⁾ OJ No L 293, 16. 11. 1996, p. 16.

⁽¹⁵⁾ OJ No L 308, 29. 11. 1996, p. 42.

⁽¹⁶⁾ OJ No L 311, 30. 11. 1996, p. 50.

⁽¹⁷⁾ OJ No L 321, 12. 12. 1996, p. 18.

⁽¹⁸⁾ OJ No L 345, 31. 12. 1996, p. 56.

⁽¹⁹⁾ OJ No L 19, 22. 1. 1997, p. 23.

⁽²⁰⁾ OJ No L 24, 25. 1. 1997, p. 20.

⁽²¹⁾ OJ No L 31, 1. 2. 1997, p. 24.

⁽²²⁾ OJ No L 47, 18. 2. 1997, p. 9.

⁽²³⁾ OJ No L 59, 28. 2. 1997, p. 10.

⁽²⁴⁾ OJ No L 60, 1. 3. 1997, p. 23.

⁽²⁵⁾ OJ No L 70, 12. 3. 1997, p. 7.

⁽²⁶⁾ OJ No L 77, 19. 3. 1997, p. 20.

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

Done at Brussels, 20 June 1997.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

AID FOR UNGINNED COTTON

Regulation (EC) No	Amount of aid	
	Spain	Greece
1723/96	63,163	64,226
1747/96	65,850	66,913
1836/96	63,440	64,503
1894/96	63,036	64,099
2097/96	62,807	63,870
2158/96	63,592	64,655
2170/96	65,574	66,637
2199/96	63,402	64,465
2280/96	62,484	63,547
2306/96	62,401	63,464
2365/96	60,997	62,060
2516/96	61,269	62,332
101/97	60,065	61,128
139/97	59,184	60,247
185/97	59,273	60,336
284/97	58,446	59,509
353/97	57,679	58,742
373/97	57,772	58,835
465/97	56,715	57,778
498/97	57,560	58,623

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 May 1997

concerning the conclusion of an Agreement between the European Community and the United States of America on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

(97/389/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with the first sentence of Article 228 (2), and Article 228 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of drugs precursors and chemical substances with the Member States of the OAS;

Whereas the Transatlantic Agenda identified as a priority item in EC-US relations, the conclusion of a drugs precursors agreement which would include a specific pre-shipment consultation mechanism;

Whereas the Commission, on the basis of this authorization and the provisions of the Transatlantic Agenda, completed negotiations with the United States of America on 11 April 1997;

Whereas it is appropriate that the Council authorizes the Commission, in consultation with a special committee appointed by the Council, to approve amendments on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-up Group; whereas, however, such authorization will be limited to the amendment of the Annexes of the Agreement in so far as it concerns substances already covered by the Community legislation on drugs precursors and chemical substances;

Whereas the Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the United States of America on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Community shall be represented in the Joint Follow-up Group provided for in Article 11 of the Agreement by the Commission, assisted by the representatives of the Member States.

2. The Commission is authorized to approve, on behalf of the Community, amendments of the Annexes to the Agreement adopted by the Joint Follow-up Group under the procedure laid down in Article 12 of the said Agreement.

The Commission shall be assisted in this task by a special committee designated by the Council.

3. The authorization referred to in paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

Article 3

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community ⁽¹⁾.

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

Done at Brussels, 21 May 1997.

For the Council

The President

M. PATIJN

⁽¹⁾ See page 35 of this Official Journal.

AGREEMENT

between the European Community and the United States of America on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',
of the one part, and

THE UNITED STATES OF AMERICA, hereinafter referred to as 'the United States',
of the other part,

DETERMINED, to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances by controlling the supply of precursors and chemical substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

AGREEING with the final Report of the Chemical Action Task Force (CATF), approved by the London G 7 Economic Summit on 15 July 1991, which recommended the strengthening of international cooperation by the conclusion of bilateral agreements, in particular between regions and countries involved in export, import and transit of these chemical substances;

CONVINCED that international trade constitutes a specific risk factor and that only cooperative arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls;

AFFIRMING their common commitment to setting up assistance and cooperation mechanisms between the United States and the Community in order to combat the diversion of controlled substances to illicit purposes, in harmony with the orientations and actions decided at the international level;

UNDERLINING their common will to improve the current information exchange between relevant agencies, and without disturbing the existing working relations between them;

RECOGNIZING that these chemical substances are also mainly and widely used for legitimate purposes and that international trade must not be hindered by excessive monitoring procedures;

HAVING DECIDED to conclude an Agreement for the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Agreement

1. This Agreement sets out measures to strengthen administrative cooperation and to improve working relations between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.

Nothing in this Agreement:

- may be interpreted in a manner which is inconsistent with the UN international drug-control treaties, or
- shall disturb existing working law enforcement relations in drug-related matters between the United States and the Member States of the Community.

2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:

- monitoring the trade between them in scheduled substances, with the aim of preventing their diversion to illicit purposes,
- granting each other the means of mutual consultation on the legitimacy of proposed transactions in scheduled substances destined for third countries, and
- providing mutual administrative assistance to ensure that the provisions of the relevant substance trade control legislation are correctly applied.

3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this Agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as 'controlled chemical substances'.

TITLE I

TRADE IN CONTROLLED CHEMICAL SUBSTANCES BETWEEN THE CONTRACTING PARTIES

Article 2

Trade surveillance

1. The Contracting Parties shall consult and inform each other on their own initiative of any suspicion that controlled chemical substances may be diverted from legitimate trade between them to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.

2. With regard to the controlled chemical substances listed in Annex A to this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued or a notification of export is received, and as soon as possible, forward a copy of this information to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.

3. With regard to the controlled chemical substances listed in Annex B to this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.

4. The Contracting Parties undertake to provide, reciprocally and in good time, due feedback on any information provided or measure requested pursuant to this Article.

5. When implementing the abovementioned trade control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by paragraph 3, the reply by the importing Contracting Party shall be provided within 15 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this time period shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing, including electronic means, to the exporting

Contracting Party within this time period and the reasons for it must be documented.

Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled chemical substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances.

2. The Contracting Parties shall cooperate in supplying each other with information relating to suspected diversion operations.

TITLE II

TRADE IN CONTROLLED CHEMICAL SUBSTANCES WITH OTHER COUNTRIES

Article 4

Pre-shipment consultation

1. Without prejudice to Articles 6, 7 and 8, whenever a competent authority, in processing a request for an export authorization to a third country, suspects that the controlled chemical substances involved may be diverted to the illicit manufacture of drugs, appropriate information should normally be relayed to the other Contracting Party to this Agreement, with the request to the competent authority of that Contracting Party for relevant information in its possession which may confirm or refute the possible diversion.

2. To Comply with the request mentioned in paragraph 1, provided that the necessary information has been made available, the requested Contracting Party shall search its databases or other available sources for information relating to the case and communicate its findings to the requesting Contracting Party. Whenever possible, the reply should be given within five working days after receipt of the request.

3. The requesting authority, on its own responsibility and with due assessment of all the elements of the case, shall determine whether to authorize, deny or take other action concerning the export in question. It shall then notify the requested authority of the decision taken.

4. The Contracting Parties shall immediately notify each other of any decision to stop a shipment of controlled chemical substances to third countries, which they believe may be of interest to the other Contracting Party, and shall provide such information regarding the shipment as appropriate.

*Article 5***Other information**

Without prejudice to Articles 6, 7 and 8, the Contracting Parties shall periodically exchange other data and information concerning trends and circumstances as seem desirable to achieve the purposes of this Agreement.

TITLE III

GENERAL PROVISIONS*Article 6***Mutual administrative assistance**

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, information to prevent the diversion of controlled chemical substances to the illicit manufacture of narcotic drugs or psychotropic substances and shall investigate cases of suspected diversion. When necessary, they shall adopt appropriate precautionary measures to prevent diversion.
2. Any request for information or precautionary measures shall be responded to as promptly as possible.
3. Requests for administrative assistance shall be executed in accordance with the laws, regulations and other legal instruments of the requested Contracting Party.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at the inquiries carried out in the territory of the latter.
5. The Contracting Parties shall assist each other to facilitate the provision of evidence.
6. Administrative assistance provided pursuant to this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under powers exercised at the request of a judicial authority, unless the authority so agrees.
7. Information may be requested in respect of chemical substances which are frequently used in the illicit manufacture of narcotic drugs or psychotropic substances but which are not included in the scope of this Agreement.

*Article 7***Information exchange and confidentiality**

1. Data relating to natural persons may be exchanged only where the receiving Contracting Party undertakes to afford such data with at least substantially the same level of protection as the one applicable to that particular instance in the Contracting Party liable to supply them. To this end, the Contracting Parties shall provide each other with information setting forth the applicable standards of the Contracting Parties, including where appropriate the legal standards of the Member States of the Community.
2. Any information communicated in whatsoever form pursuant to this Agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties, and shall be used solely for the purposes of this Agreement. Such information shall be afforded in the receiving Contracting Party the same protection in respect of confidentiality and official secrecy as applies in that Contracting Party to similar information under the relevant laws of the Contracting Party which received it.
3. Assistance may be postponed, or provided with conditions, on the ground that it would otherwise interfere with an ongoing investigation, prosecution or proceeding, or jeopardize the security of sensitive sources and methods of gathering information. In such a case, the authority which could provide assistance shall consult with the competent authority of the other Contracting Party to determine if assistance can be given subject to such terms or conditions as the providing authority may require.
4. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, such use shall be subject to any restrictions laid down by that authority.
5. Paragraph 4 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use.

*Article 8***Exceptions to the obligation to provide assistance**

1. The Contracting Parties shall make every reasonable effort to routinely provide requested information and assistance.

2. In cases where the requested Contracting Party is of the opinion that compliance with the request would:

- infringe upon the sovereignty of the United States or of a Member State of the Community, or
- present a serious issue of public policy, security or other essential interests, in particular the cases referred to in Article 7 (1) concerning natural persons, and in Article 7 (3) concerning ongoing investigations, prosecutions or proceedings and the security of sensitive sources and methods of gathering information, or
- be contrary to the legal system of the requested Contracting Party, including, where appropriate, the legal system of the Member States of the Community liable to provide the assistance,

assistance can be refused or compliance may be made subject to the satisfaction of certain conditions or requirements.

3. If one Contracting Party requests assistance which it could not itself supply entirely or partially pursuant to a similar request, it shall so state in its request. The other Contracting Party shall then decide in what form it can comply with the request.

4. If assistance is refused under this Article, the decision and its explanatory reasons shall be communicated without delay to the other Contracting Party.

Article 9

Technical and scientific cooperation

The Contracting Parties shall cooperate in the identification of new diversion methods as well as appropriate countermeasures, including technical cooperation to strengthen administrative and enforcement structures in this field and to promote cooperation with trade and industry. Such technical cooperation may concern, in particular, training and exchange programmes for the officials concerned.

Article 10

Implementation measures

1. Each Contracting Party shall identify a competent authority or competent authorities to coordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.

2. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

Article 11

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as 'the Joint Follow-up Group', in which each Contracting Party to this Agreement shall be represented.

2. The Joint Follow-up Group shall act by mutual agreement. It shall normally meet once a year, date, place and programme being fixed by mutual agreement. Extraordinary meetings of the Joint Follow-up Group may be convened by agreement of the Contracting Parties.

3. The Joint Follow-up Group shall adopt its own rules of procedure.

Article 12

Role of the Joint Follow-up Group

1. The Joint Follow-up Group shall monitor the administration of this Agreement and ensure its proper implementation. For this purpose:

- it shall study and develop the necessary means to ensure the correct functioning of the present Agreement,
- it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
- in the cases provided for in paragraph 2, it shall take decisions,
- in the cases provided for in paragraph 4, it shall make recommendations,
- it shall study and develop the cooperation measures referred to in Article 9, and
- it shall study and develop other possible forms of cooperation in matters relating to precursors and chemical substances.

2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of procedures necessary for that purpose, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall adopt, by mutual consent, the procedures to be followed in pre-shipment consultations laid down in Article 4.

4. The Joint Follow-up Group shall recommend to be Contracting Parties:

- amendments to this Agreement, and
- any other measures required for the implementation of this Agreement.

Article 13

Other agreements

1. As regards controlled chemical substances, and subject to Article 7(3), nothing in this Agreement or in other agreements concluded between the Community and the United States shall prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this Agreement which could be of Community interest.

2. Nothing in this Agreement shall prejudice the provisions of any Mutual Legal Assistance Treaty between the United States and any Member State of the Community.

3. The Contracting Parties shall also exchange information with each other on measures in substance control matters taken with other countries.

Article 14

Entry into force

This Agreement shall enter into force on the first day of the second month following the date of signature.

Article 15

Duration and denunciation

1. This Agreement shall be concluded for five years and, unless otherwise terminated, it shall be automatically renewed for successive five-year periods.

2. This Agreement may be amended by mutual consent of the Contracting Parties.

3. This Agreement may be terminated at any time by either Contracting Party on 90 days' written notice.

Article 16

Authentic texts

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Acuerdo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschrift unter dieses Abkommen gesetzt.

Σε πίστωση των ανωτέρω, οι υπογράφωντες πληρεξούσιοι έθεσαν την υπογραφή τους κάτω από την παρούσα συμφωνία.

In witness whereof, the undersigned Plenipotentiaries have signed this Agreement.

En foi de quoi les plénipotentiaires soussignés ont signé le présent accord.

In fede di che, i sottoscritti plenipotenziari hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze overeenkomst hebben gesteld.

Em fé do que, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no presente Acordo.

Tämän vakuudeksi allekirjoittaneet täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

Till bevis härpå har undertecknade befullmäktigade undertecknat detta avtal.

Hecho en la Haya, el veintiocho de mayo de mil novecientos noventa y siete.

Udfærdiget i Haag den otteogtyvende maj nitten hundrede og syv og halvfems.

Geschehen zu Den Haag am achtundzwanzigsten Mai neunzehnhundertsiebenundneunzig.

Έγινε στη Χάγη, στις είκοσι οκτώ Μαΐου χίλια εννιακόσια ενενήντα επτά.

Done at the Hague on the twenty-eighth day of May in the year one thousand nine hundred and ninety-seven.

Fait à La Haye, le vingt-huit mai mil neuf cent quatre-vingt-dix-sept.

Fatto a l'Aia, addì ventotto maggio millenovecentonovantasette.

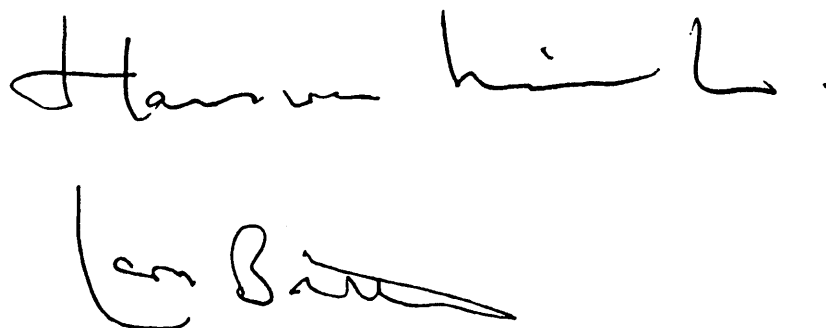
Gedaan te Den Haag, de achtentwintigste mei negentienhonderd zevenennegentig.

Feito em Haia, em vinte e oito de Maio de mil novecentos e noventa e sete.

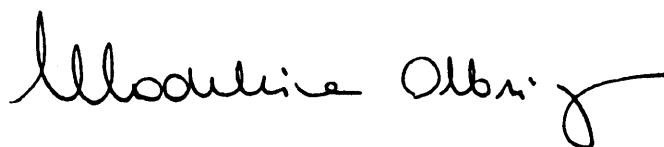
Tehty Haagissa kahdentakymmenentenäkahdeksantena päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Haag den tjuogoåttonde maj nittonhundranittiosju.

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



Por los Estados Unidos de América
For Amerikas Forenede Stater
Für die Vereinigten Staaten von Amerika
Για τις Ηνωμένες Πολιτείες της Αμερικής
For the United States of America
Pour les États-Unis d'Amérique
Per gli Stati Uniti d'America
Voor de Verenigde Staten van Amerika
Pelos Estados Unidos da América
Amerikan yhdysvaltojen puolesta
På Amerikas förenta staters vägnar



*ANNEX A***Substances subject to the measures referred to in Article 2 (2)**

Ephedrine
Ergometrine
Lysergic acid
1-phenyl-2-propanone (phenylacetone)
Pseudoephedrine
Acetylanthranilic acid (2-Acetamidobenzoic acid)
3,4 Methylenedioxy-phenylpropan-2-one
Isosafrole
Piperonal
Safrole
Phenylacetic acid
Piperidine

*ANNEX B***Substances subject to the measures referred to in Article 2 (3)**

JOINT STATEMENT BY THE CONTRACTING PARTIES CONCERNING ARTICLE 7 (1)

The Contracting Parties agree to convene a meeting of the Joint-Follow-up Group as soon as possible after the entry into force of this Agreement in order to reach a common interpretation of the necessary criteria to be complied with concerning the relevant levels of protection to be applied pursuant to Article 7 (1).

They stress that such a common interpretation is indispensable to respect the legal system referred to in Article 8 (2).

The Contracting Parties further stress their common basis for trust and cooperation and the desirability for ensuring a common and mutually complementary application of the provisions of this Agreement.

SIDE INSTRUMENT CONCERNING ARTICLE 13

Letter from the Community

The Hague, 28 May 1997

With respect to the Chemical Control Agreement between the European Community and the United States of America, the Contracting Parties agree that, to the best of their collective knowledge, they cannot identify any bilateral executive agreements, memoranda of understanding, or other similar instruments between the United States and individual Member States of the Community that specifically address the issue of controlled chemical substances. Thus, the present Agreement is the only agreement that specifically addresses the issue of controlled chemical substances in the field of administrative cooperation.

The European Community states that, under the provisions of the EC Treaty, and in particular Article 228 (7) thereof, in so far as provisions of bilateral executive agreements, memoranda of understanding, or other similar instruments that may have been previously concluded between any of the Member States of the Community and the United States are incompatible with those of this Agreement, the latter shall govern in so far as the incompatibility concerns the exclusive competence of the Community as exercised through Community legislation referring to controlled chemical substances.

However, the provisions of these other agreements between Member States of the Community and the United States are not affected in so far as they address issues which fall within the scope of Title VI of the Treaty on European Union. When there are uncertainties as to the applicability of this Agreement or the provisions of any such complementary agreements, the Contracting Parties will consult promptly and take appropriate steps to resolve the matter.



Hans van MIERLO

Reply from the United States of America

The Hague, 28 May 1997

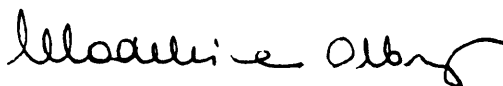
I have the honour to acknowledge receipt of your letter, dated today, concerning the applicability of the USA-EC Agreement on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, which reads as follows:

'With respect to the Chemical Control Agreement between the European Community and the United States of America, the Contracting Parties agree that, to the best of their collective knowledge, they cannot identify any bilateral executive agreements, memoranda of understanding, or other similar instruments between the United States and individual Member States of the Community that specifically address the issue of controlled chemical substances. Thus, the present Agreement is the only agreement that specifically addresses the issue of controlled chemical substances in the field of administrative cooperation.

The European Community states that, under the provisions of the EC Treaty, and in particular Article 228 (7) thereof, in so far as provisions of bilateral executive agreements, memoranda of understanding, or other similar instruments that may have been previously concluded between any of the Member States of the Community and the United States are incompatible with those of this Agreement, the latter shall govern in so far as the incompatibility concerns the exclusive competence of the Community as exercised through Community legislation referring to controlled chemical substances.

However, the provisions of these other agreements between Member States of the Community and the United States are not affected in so far as they address issues which fall within the scope of Title VI of the Treaty on European Union. When there are uncertainties as to the applicability of this Agreement or the provisions of any such complementary agreements, the Contracting Parties will consult promptly and take appropriate steps to resolve the matter.'

The United States shares the common understandings recorded in that letter and takes note of the EC statement contained therein. The United States confirms that, in the event of a question regarding the possible compatibility of provisions of this Agreement and of other bilateral executive agreements, memoranda of understanding, or other similar instruments, it stands ready to consult promptly with the Community with a view to a satisfactory resolution of the question.



Madeleine K. ALBRIGHT

Information relating to the entry into force of the Agreement between the European Community and the United States of America on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances ⁽¹⁾

The Agreement between the European Community and the United States of America on co-operation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, which the Council decided to conclude on 21 May 1997, will enter into force on 1 July 1997, the Agreement having been signed on 28 May 1997.

⁽¹⁾ See page 24 of this Official Journal.

COUNCIL DECISION**of 17 June 1997****authorizing the Portuguese Republic to extend until 7 March 1998 the Agreement on mutual fishery relations with the Republic of South Africa**

(97/390/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 354 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on mutual fishery relations between the Government of the Portuguese Republic and the Government of the Republic of South Africa, signed on 9 April 1979, entered into force on that day for an initial period of 10 years; whereas the Agreement remains in force for an indeterminate period if it is not denounced by the giving of 12 months' notice;

Whereas Article 354 (2) of the Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Portuguese Republic with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained;

Whereas, pursuant to Article 354 (3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Portuguese Republic with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one

year; whereas the abovementioned Agreement has been extended until 7 March 1997⁽¹⁾;

Whereas, in order to avoid fishing by the Community vessels concerned being interrupted, it appears appropriate to authorize the Portuguese Republic to renew the Agreement in question until 7 March 1998,

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic is hereby authorized to extend until 7 March 1998 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 9 April 1979.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Luxembourg, 17 June 1997.

*For the Council**The President*

A. JORRITSMA-LEBBINK

⁽¹⁾ OJ No L 196, 7. 8. 1996, p. 12.

COUNCIL DECISION**of 17 June 1997****authorizing the Kingdom of Spain to extend until 7 March 1998 the Agreement
on mutual fishery relations with the Republic of South Africa**

(97/391/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 167 (3) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on mutual fishery relations between the Government of the Kingdom of Spain and the Government of the Republic of South Africa, signed on 14 August 1979, entered into force on 8 March 1982 for an initial period of 10 years; whereas the Agreement remains in force for an indeterminate period if it is not denounced by the giving of 12 months' notice;

Whereas Article 167 (2) of the Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Kingdom of Spain with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained;

Whereas, pursuant to Article 167 (3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Kingdom of Spain with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one

year; whereas the abovementioned Agreement has been extended until 7 March 1997⁽¹⁾;

Whereas, in order to avoid fishing by the Community vessels concerned being interrupted, it appears appropriate to authorize the Kingdom of Spain to renew the Agreement in question until 7 March 1998,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain is hereby authorized to extend until 7 March 1998 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 8 March 1982.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Luxembourg, 17 June 1997.

For the Council

The President

A. JORRITSMA-LEBBINK

⁽¹⁾ OJ No L 196, 7. 8. 1996, p. 11.

COMMISSION

COMMISSION DECISION

of 6 June 1997

concerning the placing on the market of genetically modified swede-rape (*Brassica napus* L. *oleifera* Metzg. MS1, RF1), pursuant to Council Directive 90/220/EEC

(Text with EEA relevance)

(97/392/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas, according to that procedure, Commission Decision 96/158/EC⁽³⁾ was adopted concerning the placing on the market of hybrid, herbicide-tolerant swede-rape seeds (*Brassica napus* L. *oleifera* Metzg. MS1Bn × RF1Bn) and relating to the consent of the competent authority of the United Kingdom to the placing on the market of that product solely for the purpose of growing it in order to obtain seeds; whereas, subsequent to that Decision, another notification concerning the same product has been received by the competent authority of France from the same notifier, Plant Genetic Systems (ref. C/F/95/05/01/A), requesting that consent be given also for growing and handling in the environment before and during processing to non-viable fractions;

Whereas the competent authority of France has subsequently forwarded the dossier thereon to the Commission with a favourable opinion;

Whereas the competent authorities of other Member States have raised objections to the said dossier;

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

Whereas the Commission, having examined each of the objections raised in the light of the scope of Directive 90/220/EEC and the information submitted in the dossier, has reached the following conclusions:

- in cases of products intended for use as human food or animal feed, the risk assessment pursuant to Directive 90/220/EEC is concerned with the assessment of whether the genetic modification could result in any toxic or harmful effects for human health or the environment,
- there is no reason to believe that there will be any adverse effects on human health and the environment from the introduction into swede-rape of the genes coding for phosphinotricin acetyl transferase and for neomycin phosphotransferase II,
- there are no safety reasons for labelling which states that the product has been obtained by genetic modification techniques,
- the label should mention that the product has increased tolerance to the herbicide glufosinate ammonium;

Whereas the authorization of chemical herbicides applied to plants and the assessment of the impact of their use on human health and the environment falls within the scope of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽⁴⁾, as last amended by Commission Directive 96/68/EC⁽⁵⁾, and not within the scope of Directive 90/220/EEC;

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 15.

⁽²⁾ OJ No L 103, 22. 4. 1994, p. 20.

⁽³⁾ OJ No L 37, 15. 2. 1996, p. 30.

⁽⁴⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽⁵⁾ OJ No L 277, 30. 10. 1996, p. 25.

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

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 21 of Directive 90/220/EEC,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to other Community legislation, in particular Council Directives 69/208/EEC⁽¹⁾ and 70/457/EEC⁽²⁾, and subject to paragraph 2 of this Article, consent shall be given by the competent authority of France to the placing on the market of the following product, notified by Plant Genetic Systems (ref. C/F/95/05/01/A):

seeds of hybrid swede-rape (*Brassica napus* L. *oleifera* Metzg.) derived from crosses using:

(a) the progeny of the male sterile swede-rape line MS1 (B91-4) cultivar Drakkar containing the barnase gene from *Bacillus amyloliquefaciens* coding for ribonuclease, the bar gene from *Streptomyces hygroscopicus* coding for phosphinothricin acetyl transferase, the neo gene from *Escherichia coli* coding for neomycin phosphotransferase II, the promoter PSsuAra from *Arabidopsis thaliana*, the promoter PNos from *Agrobacterium tumefaciens*, the promoter PTA29 from *Nicotiana tabacum*; and

(b) the progeny of the fertility restoration swede-rape line RF1 (B93-101) cultivar Drakkar containing the barstar gene from *Bacillus amyloliquefaciens* coding for ribonuclease inhibitor, the bar gene from *Streptomyces hygroscopicus* coding for phosphinothricin acetyl transferase, the neo gene from *Escherichia coli* coding for neomycin phosphotransferase II, the promoter PSsuAra from *Arabidopsis thaliana*, the promoter PNos from *Agrobacterium tumefaciens*, the promoter PTA29 from *Nicotiana tabacum*.

2. The consent shall cover any progeny derived from crosses of the product with any traditionally bred swede-rape.

It shall cover the placing on the market of the product for the intended uses of growing and handling in the environment before and during processing to non-viable fractions.

Without prejudice to other labelling required by Community legislation, the label of each package of seeds for sowing shall indicate that the product has increased tolerance to the herbicide glufosinate ammonium.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 June 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽²⁾ OJ No L 225, 12. 10. 1970, p. 1.

COMMISSION DECISION

of 6 June 1997

concerning the placing on the market of genetically modified swede-rape (*Brassica napus* L. *oleifera* Metzg. MS1, RF2), pursuant to Council Directive 90/220/EEC

(Text with EEA relevance)

(97/393/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas a notification concerning the placing on the market of such a product has been submitted to the competent authority of France for the intended uses of growing and handling in the environment before and during processing to non-viable fractions;

Whereas the competent authority of France has subsequently forwarded the dossier thereon to the Commission with a favourable opinion;

Whereas the competent authorities of other Member States have raised objections to the said dossier;

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

Whereas the Commission, having examined each of the objections raised in the light of the scope of Directive 90/220/EEC and the information submitted in the dossier, has reached the following conclusions:

- in cases of products intended for use as human food or animal feed, the risk assessment pursuant to Directive 90/220/EEC is concerned with the assessment of whether the genetic modification could result in any toxic or harmful effects for human health or the environment,

- there is no reason to believe that there will be any adverse effects on human health and the environment from the introduction into swede-rape of the genes coding for phosphinotricin acetyl transferase and for neomycin phosphotransferase II,

- there are no safety reasons for labelling which states that the product has been obtained by genetic modification techniques,

- the label should mention that the product has increased tolerance to the herbicide glufosinate ammonium;

Whereas the authorization of chemical herbicides applied to plants and the assessment of the impact of their use on human health and the environment falls within the scope of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾, as last amended by Commission Directive 96/68/EC⁽⁴⁾, and not within the scope of Directive 90/220/EEC;

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

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 21 of Directive 90/220/EEC,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to other Community legislation, in particular Council Directives 69/208/EEC⁽⁵⁾ and 70/457/EEC⁽⁶⁾, and subject to paragraph 2 of this Article, consent shall be given by the competent authority of France to the placing on the market of the following product, notified by Plant Genetic Systems (ref. C/F/95/05/01/B):

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 277, 30. 10. 1996, p. 25.

⁽³⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽⁴⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 15.

⁽²⁾ OJ No L 103, 22. 4. 1994, p. 20.

seeds of hybrid swede-rape (*Brassica napus* L. *oleifera* Metzg.) derived from crosses using:

- (a) the progeny of the male sterile swede-rape line MS1 (B91-4) cultivar Drakkar containing the barnase gene from *Bacillus amyloliquefaciens* coding for ribonuclease, the bar gene from *Streptomyces hygroscopicus* coding for phosphinothricin acetyl transferase, the neo gene from *Escherichia coli* coding for neomycin phosphotransferase II, the promoter PSsuAra from *Arabidopsis thaliana*, the promoter PNos from *Agrobacterium tumefaciens*, the promoter PTA29 from *Nicotiana tabacum*; and
- (b) the progeny of the fertility restoration swede-rape line RF2 (B94-2) cultivar Drakkar containing the barstar gene from *Bacillus amyloliquefaciens* coding for ribonuclease inhibitor, the bar gene from *Streptomyces hygroscopicus* coding for phosphinothricin acetyl transferase, the neo gene from *Escherichia coli* coding for neomycin phosphotransferase II, the promoter PSsuAra from *Arabidopsis thaliana*, the promoter PNos from *Agrobacterium tumefaciens*, the promoter PTA29 from *Nicotiana tabacum*.

2. The consent shall cover any progeny derived from crosses of the product with any traditionally bred swede-rape.

It shall cover the placing on the market of the product for the intended uses of growing and handling in the environment before and during processing to non-viable fractions.

Without prejudice to other labelling required by Community legislation, the label of each package of seeds for sowing shall indicate that the product has increased tolerance to the herbicide glufosinate ammonium.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 June 1997.

For the Commission

Ritt BJRREGAARD

Member of the Commission

COMMISSION DECISION**of 6 June 1997****establishing the minimum data required for the databases on animals and animal products brought into the Community****(Text with EEA relevance)****(97/394/EC)**

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

Having regard to Council Decision 92/438/EEC of 13 July 1992 on computerization of veterinary import procedures (Shift project) amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC and repealing Decision 88/192/EEC⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 thereof,

Whereas, for the purposes of Annex III (1) to Decision 92/438/EEC, the minimum standard data required for the databases introduced by the Member States on the animals and products brought into their territory must first be established;

Whereas each Member State may record any additional data on the animals and products brought into its territory which it considers appropriate;

Whereas the other technical requirements will be laid down at a later date in the light of the current studies on the Shift project;

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 minimum data to be entered by the Member States in the databases on the animals and products brought into their territory shall be those set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 243, 25. 8. 1992, p. 27.

*ANNEX***MINIMUM DATA ON ANIMALS AND PRODUCTS****1. Identification of the border inspection post**

Name and Animo code number of the inspection post

2. Identification of the consignment

- (a) Nature of the goods and Animo code
- (b) Number/quantity/units
- (c) Annex B number
- (d) Third country of origin (ISO code)
- (e) Name and approval number of the establishment of origin
- (f) Member State of destination/country of destination (ISO code)

3. Checks carried out

- (a) Documentary check (yes/no/non-compliant)
- (b) Identity check (yes/no/non-compliant)
- (c) Physical check (yes/no/non-compliant)
- (d) Laboratory examination (yes/no/non-compliant)

4. Outcome

- (a) Accepted (date)
 - (b) Returned (date)
 - (c) Destroyed (date)
 - (d) Processed (date)
-

COMMISSION DECISION

of 10 June 1997

amending for the fourth time Decision 92/486/EEC establishing the form of
cooperation between the Animo host centre and Member States

(Text with EEA relevance)

(97/395/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 90/425/EEC of 26
June 1990 on veterinary and zootechnical checks applic-
able in intra-Community trade in certain live animals and
products with a view to completion of the internal
market⁽¹⁾, as last amended by Decision 92/118/EEC⁽²⁾,
and in particular Article 20 (3) thereof,

Whereas in order to permit examination in depth of the
various possible structural options for the Animo network
a study is being carried out by a private firm;

Whereas in order to ensure continuity of the network
pending completion of that study the period of validity of
the arrangements determined by Commission Decision
92/486/EEC of 25 September 1992 establishing the form
of cooperation between the Animo host centre and
Member States⁽³⁾, as last amended by Decision
96/296/EC⁽⁴⁾, should be extended;

Whereas the content of this Decision is in accordance
with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2a (1) of Decision 92/486/EEC the first indent
is replaced by the following:

‘— are extended for two years’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 291, 7. 10. 1992, p. 20.

⁽⁴⁾ OJ No L 113, 7. 5. 1996, p. 25.