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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1161/97

of 25 June 1997

amending Regulation (EC) No 3290/94 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 of Regulation (EC) No 3290/94 authorizes the Commission to adopt the measures required to facilitate the switch-over from the arrangements existing before implementation of the results of the Uruguay Round negotiations to those resulting from the adjustments to agricultural legislation provided for in the abovementioned Regulation; whereas such transitional measures may be adopted only up to 30 June 1997 and may not apply beyond that date; whereas it transpires that certain matters which are currently regulated by

transitional measures cannot be settled definitively before the above date; whereas these matters concern in particular certain arrangements entered into with third countries; whereas it is therefore necessary to extend by one year the period during which the Commission may adopt transitional measures,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EC) No 3290/94, the date '30 June 1997' shall be replaced by '30 June 1998'.

Article 2

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

It shall apply from 1 July 1997.

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

Done at Luxembourg, 25 June 1997.

For the Council

The President

J. VAN AARTSEN

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105. Regulation as amended by Regulation (EC) No 1193/96 (OJ No L 161, 29. 6. 1996, p. 1).

COMMISSION REGULATION (EC) No 1162/97

of 26 June 1997

re-establishing the preferential customs duty on imports of single-flower
(standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 592/97⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 989/97⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas the preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 855/97⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of single-flower (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 27 June 1997.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 89, 4. 4. 1997, p. 1.

⁽⁵⁾ OJ No L 141, 31. 5. 1997, p. 71.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ No L 122, 14. 5. 1997, p. 19.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1163/97

of 26 June 1997

amending Regulation (EC) No 2146/95 on the transitional adjustment of the special arrangements for imports of olive oil originating in Algeria, Lebanon, Morocco, Tunisia and Turkey with a view to implementing the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations and derogating from Council Regulations (EEC) No 1514/76, (EEC) No 1620/77, (EEC) No 1521/76, (EEC) No 1508/76 and (EEC) No 1180/77

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

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EC) No 2146/95⁽³⁾, as last amended by Regulation (EC) No 2388/96⁽⁴⁾, adjusts the special arrangements for the importation of olive oil from certain countries in order to take account of the replacement of variable levies by fixed customs duties as a result of the conclusion of the Uruguay Round;

Whereas the period for taking transitional measures was extended to 30 June 1998 by Council Regulation (EC) No 1161/97 extending the period for taking the transitional measures necessary in the agricultural sector for implementation of the agreements concluded under the Uruguay Round of multilateral trade negotiations; whereas, pending the adoption by the Council of a definitive measure, the measures provided for in Regulation (EC) No 2146/95 should be extended to 30 June 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2146/95 is hereby amended as follows:

1. in article 1, '30 June 1997' is replaced by '30 June 1998';
2. in Article 6, '30 June 1997' is replaced by '30 June 1998'.

Article 2

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

It shall apply from 1 July 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 215, 9. 9. 1995, p. 1.

⁽⁴⁾ OJ No L 326, 17. 12. 1996, p. 22.

COMMISSION REGULATION (EC) No 1164/97

of 26 June 1997

fixing the final amount of aid for dried fodder for the 1996/97 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 603/95 of 21 February 1995 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EC) No 1347/95⁽²⁾, and in particular Article 18 thereof,

Whereas Article 3 (2) and (3) of Regulation (EC) No 603/95 fix the amounts of aid to be paid to processors for dehydrated fodder and sun-dried fodder produced during the 1996/97 marketing year up to the maximum guaranteed quantities laid down in Article 4 (1) and (3) of that Regulation;

Whereas the information forwarded to the Commission by the Member States under the second indent of Article 15 (a) of Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder⁽³⁾, as last amended by Regulation (EC) No 629/97⁽⁴⁾, indicates that the abovementioned maximum guaranteed quantities have not been exceeded;

Whereas it should therefore be laid down that the aid provided for in Regulation (EC) No 603/95 for dehydrated fodder and sun-dried fodder should be paid in full;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for dehydrated fodder and sun-dried fodder provided for in Article 3 (2) and (3) respectively of Regulation (EC) No 603/95 shall be paid in full for the 1996/97 marketing year.

Article 2

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

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 63, 21. 3. 1995, p. 1.

⁽²⁾ OJ No L 131, 15. 6. 1995, p. 1.

⁽³⁾ OJ No L 79, 7. 4. 1995, p. 5.

⁽⁴⁾ OJ No L 96, 11. 4. 1997, p. 4.

COMMISSION REGULATION (EC) No 1165/97

of 26 June 1997

amending Regulation (EC) No 1600/95 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products

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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1587/96⁽²⁾, and in particular Articles 13 (3) and 16 (1) and (4) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽³⁾, and in particular Article 1 (1) thereof,

Whereas Commission Regulation (EC) No 1600/95⁽⁴⁾, as last amended by Regulation (EC) No 503/97⁽⁵⁾, replaces, in respect of imports coming from Switzerland under the special arrangement concluded between that country and the Community, the IMA-1 certificate arrangements with a system based solely on the Community import licence; whereas it has been found that certain provisions do not cover all the products subject to the system; whereas the provisions concerned should accordingly be adapted;

Whereas the tariff quotas for milk products referred to in the GATT/WTO Agreement and not specified by country of origin must be adjusted with effect from 1 July 1997; whereas, therefore, Annex II to Regulation (EC) No 1600/95 should be amended;

Whereas ambiguities have been found in the notifications referred to in Annex VIII; whereas, to guarantee correct and complete notifications, that Annex should be amended and the time allowed for the notifications should be extended from three to five days;

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

Regulation (EC) No 1600/95 is hereby amended as follows:

1. Article 3 is replaced by the following:

Article 3

Classification of cheeses falling within CN codes 0406 20 10, 0406 90 02 to 0406 90 06 and 0406 90 19 shall be subject to the presentation of:

- a licence issued in accordance with Article 22a for imports coming from Switzerland under the special arrangement concluded between that country and the Community,
- an IMA-1 certificate fulfilling the conditions laid down in Title IV for other third countries.

CN code 0406 90 01 shall apply only to cheeses imported from third countries⁶;

2. in Article 14 (3), 'third working day' is replaced by 'fifth working day';

3. Article 22a is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Article 22 notwithstanding, this Article shall apply to imports coming from Switzerland under the special arrangement concluded between that country and the Community.'

(b) paragraph 2 is replaced by the following:

'2. Licence applications and licences shall contain:

- in Section 15, the detailed description of the product referred to in Annex IV or, for products falling within CN codes 0406 90 02 to 0406 90 06, the description in the combined nomenclature,
- in Section 16, the combined nomenclature code for the product.'

(c) paragraph 4 is replaced by the following:

'4. For products falling within CN codes 0406 90 02 to 0406 90 06 and for those listed in Annex IV under order numbers 3, 4 and 5, import licences shall be issued only where the applications are accompanied by:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽⁴⁾ OJ No L 151, 1. 7. 1995, p. 12.

⁽⁵⁾ OJ No L 78, 20. 3. 1997, p. 12.

(a) a written declaration by the applicant that the minimum prices referred to in Annex IV or in the combined nomenclature for products falling within CN codes 0406 90 02 to 0406 90 06 have been complied with;

(b) a written undertaking by the applicant to supply, at the request of the competent authorities, any information and additional supporting documentation which they may judge necessary with regard to compliance with the minimum price and to allow any auditing of accounts required by those authorities.

In cases of non-compliance with the minimum price, in addition to the import duty set in Annex I to Council Regulation (EEC) No 2658/87^(*), a penalty shall be paid equal to 25 % of the amount of the duty.

^(*) OJ No L 256, 7. 9. 1987, p. 1.;

4. Annex II is replaced by Annex I to this Regulation;

5. Annex VIII is replaced by Annex II to this Regulation.

Article 2

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

Article 1 shall apply from:

- 1 May 1997 where point 3 is concerned,
- 1 July 1997 where the other points are concerned.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX II

TARIFF QUOTAS PURSUANT TO GATT/WTO AGREEMENTS, NOT SPECIFIED BY COUNTRY OF ORIGIN

(GATT/WTO year)

Order number in Annex 7 to the combined nomenclature	CN code	Description	Country of origin	Quota quantity in tonnes		Import duty (in ecus per 100 kg net weight)
				Annual	Quarterly	
37	0402 10 19	Skimmed milk powder	all third countries	51 441	12 860,25	47,50
38	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 90 10 (*) 0405 90 90 (*)	Butter and other fats and oils derived from milk	all third countries	4 000 in butter equivalent	1 000	94,80
40	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in contain- ers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	all third countries	2 787	696,75	13,00
41	ex 0406 30 10 0406 90 13	Processed Emmentaler Emmentaler	all third countries	9 120	2 280	71,90 85,80
42	ex 0406 30 10 0406 90 15	Processed Gruyère Gruyère, Sbrinz	all third countries	2 520	630	71,90 85,80
43	0406 90 01	Cheese for processing (1)	all third countries	10 400	2 600	83,50
45	0406 90 21	Cheddar	all third countries	7 800	1 950	21,00
48	ex 0406 10 20 ex 0406 10 80 0406 20 90 0406 30 31 0406 30 39 0406 30 90 0406 40 10 0406 40 50 0406 40 90 0406 90 17	Fresh (unripened or uncured) cheese includ- ing whey cheese, and curd, other than pizza cheese of order No 40 Other grated or powdered cheese Other processed cheese Blue-veined vheese Bergkäse and Appenzell	all third countries	9 896	2 474	92,60 106,40 94,10 69,00 71,90 102,90 70,40 85,80

Order number in Annex 7 to the combined nomenclature	CN code	Description	Country of origin	Quota quantity in tonnes		Import duty (in ecus per 100 kg net weight)
				Annual	Quarterly	
	0406 90 18	Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine				75,50
	0406 90 23	Edam				
	0406 90 25	Tilsit				
	0406 90 27	Butterkäse				
	0406 90 29	Kashkaval				
	0406 90 31	Feta, of sheep's milk or buffalo milk				
	0406 90 33	Feta, other				
	0406 90 35	Kefalo-Tyri				
	0406 90 37	Finlandia				
	0406 90 39	Jarlsberg				
	0406 90 50	Cheese of sheep's milk or buffalo milk				
	0406 90 61	Grana Padano, Parmigiano Reggiano				94,10
	0406 90 63	Fiore Sardo, Pecorino				
	0406 90 69	Other				
	0406 90 73	Provolone				75,50
	0406 90 75	Asiago, Caciocavallo, Montasio, Ragusano				
	0406 90 76	Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe				
	0406 90 78	Gouda				
	0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint- Paulin, Taleggio				
	0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	0406 90 85	Kefalograviera, Kasseri				
	0406 90 86	Exceeding 47 % but not exceeding 52 %				
	0406 90 87	Exceeding 52 % but not exceeding 62 %				
	0406 90 88	Exceeding 62 % but not exceeding 72 %				
	0406 90 93	Exceeding 72 %				92,60
	0406 90 99	Other				106,40

(*) 1 kg product = 1,22 kg butter.

(†) Monitoring utilization for this particular purpose will be done by applying the Community provisions laid down on the subject.*

ANNEX II

ANNEX VIII

APPLICATION OF ARTICLE 14

(Page /)

COMMISSION OF THE EUROPEAN COMMUNITIES
DG VI/D/1 — MILK AND MILK PRODUCTS

APPLICATIONS FOR IMPORT LICENCES AT REDUCED DUTIES

... THREE-MONTH PERIOD

Member State:

Date:

Commission Regulation (EC) No 1600/95

Consigner:

Contact:

Telephone:

Fax:

Part I: Summary

Order number in Annex 7 to the combined nomenclature	CN code	Quantity applied for per CN code
Subtotal		

Part II: Applications per order number

Serial numbers of applications:

Total quantity applied for (tonnes):

Number of pages:

COMMISSION REGULATION (EC) No 1166/97

of 26 June 1997

amending Regulation (EEC) No 2168/92 laying down detailed implementing rules for the specific measures for the Canary Islands with regard to seed potatoes (forecast supply balance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Articles 2 and 3 of Regulation (EEC) No 1601/92, Commission Regulation (EEC) No 2168/92 ⁽³⁾, as last amended by Regulation (EC) No 1909/96 ⁽⁴⁾, sets the quantity in the forecast supply balance for the supply of seed potatoes to the Canary Islands for the 1996/97 marketing year; whereas the forecast supply balance for the 1997/98 marketing year should be established; whereas that supply balance must be established on the basis of the requirements of the Canary Islands and taking traditional trade patterns into account;

Whereas, pursuant to Article 3 (2) of Regulation (EEC) No 1601/92, aid for the supply of seed potatoes to the Canary Islands from the rest of the Community should be set for the 1997/98 marketing year at a level ensuring that seed potatoes are supplied under conditions which are equivalent for the end user to those resulting from the exemption from customs duties on imports of seed potatoes from third countries; whereas the aid must be set taking account in particular of the costs of supplying the products from the world market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2168/92 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92 the quantity in the forecast supply balance of seed potatoes covered by CN code 0701 10 00 qualifying for exemption from customs duty on imports into the Canary Islands or for Community aid for products coming from the rest of the Community shall be 12 000 tonnes for the period 1 July 1997 to 30 June 1998.;

2. Article 2 is replaced by the following:

'Article 2

For the purposes of applying Article 3 (2) of Regulation (EEC) No 1601/92 aid shall be granted for the supply of seed potatoes to the Canary Islands from the Community market. The aid shall be ECU 4,226 per 100 kilograms.'

Article 2

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

It shall apply from 1 July 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 44.

⁽⁴⁾ OJ No L 251, 3. 10. 1996, p. 17.

COMMISSION REGULATION (EC) No 1167/97

of 26 June 1997

amending Regulation (EC) No 2221/95 laying down detailed rules for the application of Council Regulation (EEC) No 386/90 as regards physical checks carried out at the time of export of agricultural products qualifying for refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 2221/95 is hereby amended as follows:

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, and to the corresponding provisions of the other regulations on the common organization of the markets in agricultural products,

Whereas the cases in which the competent authorities may, for the purposes of calculating the minimum rate of checks, take account of the physical checks carried out prior to the export declaration should be specified;

Whereas the text of Commission Regulation (EC) No 2221/95 of 20 September 1995 laying down detailed rules for the application of Council Regulation (EEC) No 386/90 as regards physical checks carried out at the time of export of agricultural products qualifying for refunds⁽³⁾ contains discrepancies in the different language versions which could give rise to the inconsistent application of the Regulation;

Whereas, in the Annex to the Regulation concerning methods to be followed for physical checks on goods packaged in automatic installations, a reference to Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products⁽⁴⁾ should be added;

Whereas Regulation (EC) No 2221/95 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

1. In Article 8 (1):

(a) the second indent is replaced by the following:

‘— in the case of processing as referred to in Article 27 of that Regulation:

from the time of acceptance of the payment declaration, where the refund is granted for one or more basic products,

after processing, where the refund is granted for the processed product.’

(b) the text in (b) is replaced by the following:

‘the products or goods or basic products used to manufacture the goods which have been the subject of previous physical checks are identical to those which are the subject of the export declaration.’

2. The Annex is amended as follows:

In (2) (a), the first sentence is replaced by the following:

‘If the exporter has declared goods using automatic bagging, canning, bottling systems, etc., and calibrated automatic weighing/measuring equipment or packaging or bottling in compliance with the provisions of Council Directives 75/106/EEC^(*), 75/107/EEC^(**) and 76/211/EEC^(***), the number of bags, cans, bottles, etc. must in principle be counted in total and the nature and characteristics of the goods must be checked on the basis of a representative selection by the customs office of export.

(*) OJ No L 42, 15. 2. 1975, p. 1.

(**) OJ No L 42, 15. 2. 1975, p. 14.

(***) OJ No L 46, 21. 2. 1975, p. 1.’

3. (Concerns only the Greek text)

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 181, 1. 7. 1992, p. 21.

(2) OJ No L 126, 24. 5. 1996, p. 37.

(3) OJ No L 224, 20. 9. 1995, p. 13.

(4) OJ No L 46, 21. 2. 1976, p. 1.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1168/97

of 26 June 1997

extending the provisional anti-dumping duties on imports of sacks and bags made of polyethylene or polypropylene originating in India, Indonesia and Thailand

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

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as amended by Regulation (EC) No 2331/96 ⁽²⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 45/97 ⁽³⁾ imposed provisional anti-dumping duties on imports of sacks and bags made of polyethylene or polypropylene originating in India, Indonesia and Thailand;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an extension of the validity of the provisional duties for an additional period of three months;

Whereas exporters representing a significant percentage of the trade involved did not object upon notification by the Commission;

After consulting the Advisory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duties on imports of sacks and bags made of polyethylene or polypropylene originating in India, Indonesia and Thailand imposed by Regulation (EC) No 45/97 is hereby extended for a period of three months and shall expire on 15 October 1997. It shall cease to apply if, before this date, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EC) No 384/96.

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, 26 June 1997.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 12, 15. 1. 1997, p. 8.

COMMISSION REGULATION (EC) No 1169/97

of 26 June 1997

laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits⁽¹⁾, and in particular Article 2 (2), Article 3 (4) and Articles 6 and 8 thereof,

Whereas Regulation (EC) No 2202/96 introduces an aid scheme for producer organizations which deliver for processing certain citrus fruits harvested in the Community and listed in Article 1 thereof;

Whereas the marketing years for citrus fruit should be defined with a view to ensuring that the scheme is applied uniformly;

Whereas, with a view to improving the way the scheme operates, the authorities should know of all producer organizations marketing the citrus production of their members, of members of other producer organizations and of individual producers which wish to qualify under the scheme; whereas processors who sign contracts with such producer organizations should also send the authorities the information necessary to ensure that the scheme operates properly;

Whereas the aid scheme for producers of certain citrus fruits is based on contracts between producer organizations granted recognition or preliminary recognition pursuant to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽²⁾ and processors; whereas producer organizations can also act as processors in certain cases; whereas the type and duration of contracts and the particulars to be included in them should be specified with a view to the application of the aid scheme;

Whereas contracts for each product listed in Article 1 of Regulation (EC) No 2202/96 must be concluded by a given date so that the producer organizations can plan and processors can be assured of regular supplies; whereas the parties to such contracts should nevertheless be au-

thorized to change, by amendments to the contracts and subject to a ceiling, the quantities originally stipulated therein so that the scheme is as effective as possible;

Whereas there is a close link between the raw materials delivered for processing and the finished product obtained; whereas the raw materials should accordingly at least meet certain minimum requirements;

Whereas applications for aid or for advances on the aid for all products should include all the particulars needed for checking eligibility;

Whereas, with a view to ensuring that the aid scheme is properly applied, producer organizations and processors must forward the requisite information and must keep updated documentation suitable for the purposes of all inspections and controls deemed necessary;

Whereas the administration of the aid scheme makes it necessary for procedures to be laid down for physical and documentary checking of delivery and processing operations, for the checks to be required to cover a sufficiently representative number of applications for aid and advances and for certain penalties to be laid down for producer organizations and processors in the event of breaches of the regulations, in particular for false declarations and failure to process products delivered;

Whereas the measures provided for in this Regulation are to replace those laid down in Commission Regulation (EC) No 3338/93 of 3 December 1993 laying down detailed rules for the application of Council Regulations (EC) No 3119/93 and (EEC) No 1035/77 as regards measures to encourage the processing of certain citrus fruits and the marketing of products processed from lemons⁽³⁾, as last amended by Regulation (EC) No 2251/96⁽⁴⁾; whereas that Regulation should accordingly be repealed;

Whereas exceptional transitional measures should be taken for lemons and oranges delivered to processors at the beginning of the 1997/98 marketing year to facilitate a smooth switchover from the former system to the new scheme;

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 49.

⁽²⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽³⁾ OJ No L 299, 4. 12. 1993, p. 26.

⁽⁴⁾ OJ No L 302, 26. 11. 1996, p. 17.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

Definitions and marketing years

Article 1

For the purposes of this Regulation:

- (a) *individual producers* means producers of citrus fruit intended for processing within the meaning of Article 4 (1) of Regulation (EC) No 2202/96;
- (b) *producer organizations* means producer organizations within the meaning of Articles 11 and 13 of Regulation (EC) No 2200/96 and producer organizations granted preliminary recognition in accordance with Article 14 thereof;
- (c) *processor* means any processing enterprise operating for economic purposes and under its own responsibility one or more plants with facilities for manufacturing one or more of the products listed in Article 1 of Regulation (EC) No 2202/96, and any association of processing enterprises which is legally constituted and is recognized by a Member State.

Article 2

1. The marketing years for the purpose of Regulation (EC) No 2202/96, hereinafter referred to as the 'marketing years', shall run from:

(a) 1 October to 30 September for:

- sweet oranges,
- mandarins, clementines and satsumas,
- grapefruit and pomelos;

(b) 1 June to 31 May for lemons.

2. The aid to producer organizations delivering mandarins, clementines and satsumas shall only be granted on products delivered to the processing industry in the period 1 October to 30 June.

CHAPTER II

Contracts

Article 3

1. The contracts referred to in Article 2 (1) of Regulation (EC) No 2202/96 on which the aid scheme is based, hereinafter referred to as 'contracts', shall be concluded in

writing. Separate contracts shall be concluded for each basic product listed in Article 1 of that Regulation and shall bear an identification number. They may take one of the following forms:

- (a) a contract between a producer organization and a processor;
- (b) a commitment to supply the fruit where the producer organization acts as a processor.

2. Contracts must cover:

- (a) the whole marketing year in question in the case of contracts covering one marketing year;
- (b) at least three marketing years in the case of multi-annual contracts in accordance with Article 3 (2) (a) of Regulation (EC) No 2202/96.

In the case of clementines, separate contracts must be drawn up for each potential use, that is for juice or segments.

3. Contracts shall include in particular:

- (a) the name and address of the producer organization signing the contract;
- (b) the name and address of the processor;
- (c) the quantity of raw materials to be delivered for processing; in the case of multiannual contracts, that quantity shall be broken down by marketing year;
- (d) the schedule of deliveries to processors per delivery quarter from the start of the marketing year;
- (e) the obligation on processors to process the quantities delivered under the contract in question;
- (f) the price to be paid to the producer organization for the raw materials, which may vary by variety and/or delivery period; this price may only be paid by bank or postal transfer;
- (g) compensation payable in the event of non-performance by either party of the contractual obligations, in particular as regards the obligation to deliver and to accept of the quantities stipulated.

4. In the case of contracts covering one marketing year, the price referred to in paragraph 3 (f) may be changed by common agreement between the parties by the written amendments referred to in Article 5 (2) but only for the additional quantities stipulated by those amendments.

5. Multiannual contracts may cover both the production of the members of the producer organization signing the contract and the production of members of other producer organizations where the second and third indents of Article 11 (1) (c) (3) of Regulation (EC) No 2200/96 are applied.

6. To qualify for the aid laid down in Table 2 of the Annex to Regulation (EC) No 2202/96, quantities delivered under multiannual contracts must be at least equal to the following per contract, product and marketing year:

- 300 tonnes for the 1997/98 marketing year,
- 500 tonnes for the 1998/99 marketing year,
- 750 tonnes for the 1999/2000 marketing year,
- 1 000 tonnes as from the 2000/01 marketing year.

7. In the case of multiannual contracts, the price referred to in paragraph 3 (f) per marketing year shall be established at the time the contract is signed. However, the price applicable to a given marketing year may be revised by common agreement between the parties by written amendment to the contract before 1 June of the marketing year in question in the case of lemons and before 1 November of the marketing year in question in the case of other products.

8. Member States may adopt additional provisions covering contracts, in particular as regards compensation payable by the processor or the producer organization in the event of non-performance of contractual obligations.

Article 4

Where producer organizations also act as processors, the contracts covering the production of their members shall be deemed to have been concluded only if and when the following particulars have been forwarded to the competent authority within the time limit laid down in Article 6:

- (a) the total area on which the raw materials are grown;
- (b) the estimated total harvest;
- (c) the quantity intended for processing, broken down by type of contract;
- (d) the schedule of deliveries referred to in Article 3 (3) (d);
- (e) an undertaking by the producer organization to process the quantities delivered under the contract in question.

Article 5

1. Contracts shall be concluded at the latest by:

- (a) 1 November for oranges, mandarins, clementines, satsumas, grapefruit and pomelos;
- (b) 15 May for lemons.

2. In the case of contracts covering one marketing year, the quantities stipulated in the schedule of deliveries referred to in Article 3 (3) (d) may be altered by written amendment. Such amendments shall show the identification number of the contract to which they relate. They shall be concluded by no later than the 15th day of the month preceding the delivery quarter in question. The quantities to be delivered each delivery quarter as stipulated in such amendments may not differ by more than 40 % from those originally laid down in the contract for that quarter. The quantities delivered by the new

members referred to in Article 8 (5) shall be included in those amendments.

3. In the case of multiannual contracts, the quantities stipulated for each marketing year as referred to in Article 3 (3) (c) may be altered by written amendment. Such amendments shall show the identification number of the contract to which they relate. They shall be concluded before 1 June of the marketing year in question in the case of lemons and before 1 November of the marketing year in question in the case of other products. The quantities to be delivered each marketing year as stipulated in such amendments may not differ by more than 40 % from those originally laid down in the contract for that marketing year. The quantities to be delivered in each delivery period shall be adjusted accordingly.

Article 6

1. The producer organizations shall forward a copy of each contract and of any amendments thereto to the body designated by the Member State in which the raw materials are to be harvested and, where applicable, to the body designated by the Member State where processing is to take place. Such copies must reach the competent authorities no later than 10 working days after the conclusion of the contract or of any amendment thereto and no less than five working days before the start of deliveries.

In no case may the total quantity covered by all the contracts signed by a given producer organization exceed the production per product intended for processing as estimated by that producer organization pursuant to Article 8.

2. In the event of exceptional, duly justified circumstances, the Member States may accept contracts and amendments thereto that reach their authorities after the time limit laid down in paragraph 1, provided that such late arrival does not make controls impracticable.

CHAPTER III

Information to be provided

Article 7

1. No later than 30 days before the beginning of the marketing year, producer organizations wishing to receive the aid provided for in Article 3 of Regulation (EC) No 2202/96 and processors wishing to sign contracts with such producer organizations shall inform the body designated by the Member State in which the raw materials are to be harvested and, where applicable, the body designated by the Member State in which processing takes place. At the same time they shall forward the information required by the Member State in question for the administration and monitoring of the aid scheme. Such information shall in any case include the hourly extraction, pasteurization and concentration capacity of each processing unit.

Member States may decide that such information:

- (a) is only to be given by new producer organizations or new processors where the necessary information on the others is already available;
- (b) is to cover a single marketing year, several marketing years or an unlimited period.

2. At least five working days before the start of deliveries or processing, producer organizations and processors shall notify the competent authorities of the week in which deliveries and processing are to commence each marketing year. Producer organizations and processors shall be deemed to have discharged this obligation where they provide proof that they have forwarded that information at least eight working days before that time-limit.

3. In exceptional, duly justified cases, the Member States may accept notifications from producer organizations and processors after the time limit laid down in paragraph 2. However, in such cases, no aid shall be granted to producer organizations for quantities already delivered or in the course of delivery where the requisite checks on the conditions under which the aid is granted cannot be conducted to the satisfaction of the competent authorities.

Article 8

1. Producer organizations signing contracts shall forward the following information, broken down by product, to the body designated by the Member State in which the raw materials are to be harvested:

- (a) the total area on which the products are grown, broken down by member producer, with the cadastral reference numbers on the parcels concerned or a reference recognized as equivalent by the supervisory body;
- (b) the estimated total harvest;
- (c) the estimated quantity intended for processing.

2. The information specified in paragraph 1 shall be provided by the producer organizations or individual producers in question to the producer organization signing the contract, which shall forward it to the body designated by the Member State, where producer organizations:

- (a) market production intended for processing of members of other producer organizations pursuant to the second and third indents of Article 11 (1) (c) (3) of Regulation (EC) No 2200/96;

and/or

- (b) pass on the benefit of the aid scheme to individual producers pursuant to Article 4 (1) of Regulation (EC) No 2202/96.

3. To qualify for the aid, the producer organizations and individual producers as referred to in paragraph 2

shall sign agreements with the producer organization signing the contract.

Such agreements shall cover all citrus production delivered for processing by the said producer organizations and the individual producers in question and must specify at least the following:

- (a) the number of marketing years covered by the agreement,
- (b) the quantities to be delivered for processing, broken down by producer, product and delivery period in accordance with Article 3 (3) (d),
- (c) the consequences of failure to comply with the agreement.

4. No later than 15 days before the start of the marketing year in the case of lemons and no later than 30 days after the start of the marketing year in the case of other products, the information specified in paragraphs 1 and 2 and a copy of the agreements referred to in paragraph 3 shall be forwarded to the body designated by the Member State in which the raw materials are harvested.

5. If a producer joins a producer organization after the dates referred to in paragraph 4, the information mentioned in paragraphs 1 and 2, and if appropriate, the agreements referred to in paragraph 3, shall in the case of the new member be forwarded to the body referred to in paragraph 4 within 30 days of the date on which membership took effect.

CHAPTER IV

Raw materials

Article 9

Products delivered to processors by producer organizations under contracts must meet the minimum requirements laid down in the Annex.

Article 10

1. By noon on the preceding working day, the producer organizations shall notify each delivery to the body designated by the Member State where the raw materials are harvested and, where applicable, to the body designated by the Member State in which processing takes place. Such notifications shall specify in particular the quantity to be delivered, the precise identification of the means of transport used and the identification number of the contract under which delivery is made. Notifications shall be forwarded electronically and the recipient body shall keep a written record for at least three years.

The competent body may require further details which it deems necessary for the purposes of physical checks of deliveries.

Where there is a change in the information specified in the first subparagraph after its notification, the new information shall be notified on the same terms before the consignment leaves.

2. On acceptance at the processing plant of consignments delivered under contracts, a certificate of delivery shall be issued, specifying:

- (a) the date and time of unloading;
- (b) the precise identification of the means of transport used;
- (c) the identification number of the contract to which the consignment relates;
- (d) the gross and net weights of the consignment;
- (e) net that the raw material complies with the minimum requirements laid down in the Annex.

Certificates of delivery shall be drawn up in four copies. They shall be signed by the processor or his representative and by the producer organization or its representative. Signatures shall be preceded by the words 'Agreed by'. Each certificate shall bear an identification number.

Both processors and producer organizations shall keep a copy of certificates of delivery. One copy shall be forwarded immediately by the producer organization to the bodies referred to in paragraph 1 for the purposes of controls.

3. Where part or all of a consignment belongs to producers as referred to in Article 8 (2) (a) and (b), the producer organization signing the contract shall forward a copy of the certificate provided for in paragraph 2 to each producer organization concerned and to the individual producers in question.

4. By no later than the 10th day of the following month, the producer organizations shall notify the quantity delivered each month, by consignment and product, to the body designated by the Member State in which the raw materials were harvested and, where applicable, to the body designated by the Member State in which processing takes place. Quantities delivered under contracts shall be broken down by contract and according to the corresponding aid.

Article 11

1. By no later than the 10th day of the following month, processors signing contracts with producer organizations shall notify the body designated by the Member State in which the raw materials were harvested and, where applicable, the body designated by the Member State in which processing takes place of the following in respect of each month, broken down by product:

- (a) the quantity of product received by consignment and per contract and the quantity of products received otherwise than under contracts;
- (b) the quantities of juice obtained, broken down by concentration in accordance with the Brix scale, specifying the quantities obtained from consignments delivered under contracts;
- (c) the average juice yield, expressed in weight of raw material, and the concentration of the juice, expressed in degrees Brix;
- (d) the quantities of segments obtained, specifying the quantities obtained from consignments delivered under contracts;
- (e) the quantities of every other finished product and by-product obtained, specifying the quantities obtained from consignments delivered under contracts;
- (f) the quantities of waste obtained and the use to which the waste is put, specifying the quantities obtained from consignments delivered under contracts.

The quantities shall be expressed in net weight.

Notifications shall be signed by the processor to certify their exactitude.

2. Within 45 days of completion of processing operations for the marketing year, the processors shall inform the body referred to in paragraph 1 of the following in respect of each product:

- (a) the quantities received, broken down into finished products and by-products obtained;
- (b) the quantities received under contracts, broken down by delivery period and type of contract, that is, either covering one marketing year or multiannual;
- (c) the quantities received under contracts, broken down into finished products and by-products obtained;
- (d) the quantities of each finished product and by-product obtained from the quantities referred to in point (a); in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix;
- (e) the quantities of each finished product and by-product obtained from the quantities referred to in point (c); in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix;
- (f) the quantities of each finished product and by-product in stock on completion of processing operations for the marketing year.

The quantities shall be expressed in net weight.

3. Where contracts are signed by associations of processors, the notifications in accordance with paragraph 1 and the information under paragraph 2 shall be forwarded in respect of each member of the association.

CHAPTER V

Article 14

Aid applications

Article 12

Aid applications shall be submitted by the producer organization to the body designated by the Member State on whose territory the raw materials were harvested. Applications covering each marketing year shall be submitted by:

- (a) 5 July of the following marketing year in the case of lemons;
- (b) 15 August of the marketing year in progress in the case of mandarins, clementines and satsumas;
- (c) 15 November of the following marketing year in the case of oranges, grapefruit and pomelos.

A single aid application may be submitted per marketing year for a given basic product. In the case of clementines, separate aid applications must be drawn up for each potential use, that is for juice or segments.

Article 13

Aid applications shall include in particular the following:

- (a) the applicant's name and address;
- (b) the identification numbers of the contracts under which the product is delivered, specifying whether the contracts relate to one or more marketing years;
- (c) the quantity of product delivered under the contracts, including any amendments thereto, broken down by contract, delivery period and amount of aid;
- (d) the proportion of the quantities referred to in point (c) on which an advance is paid pursuant to Article 14 and the amount of the advance received;
- (e) the quantity of product delivered otherwise than under contracts during the marketing year, broken down by delivery period as provided for in Article 3 (3) (d);
- (f) the average prices applying, on the one hand, to products delivered under contracts, distinguishing between multiannual contracts and contracts covering one marketing year, and, on the other hand, to other products delivered otherwise than under contracts;
- (g) a declaration by the producer organization to the effect that products referred to in point (c) meet the minimum requirements laid down in the Annex.

1. Producer organizations may submit applications, by product and delivery period, for advances on the aid in respect of oranges, mandarins, clementines, satsumas and lemons delivered under contracts.

Applications for advances may relate to one basic product only. In the case of clementines, separate applications for advances must be drawn up for each potential use, that is for juice or segments.

Applications for advances shall be submitted within 30 days of the end of the period concerned.

2. Advances shall be equal to 70 % of the amounts set out in the Annex to Regulation (EC) No 2202/96.

3. Applications for advances shall include at least the information specified in Article 13 (a), (b) and (g) and the quantity of product delivered under contracts and any amendments thereto during the delivery period in question. That quantity shall be broken down by contract and according to the amount of the corresponding aid.

4. Advances shall be paid, within 30 days of the date of submission of the application to the producer organization for the quantity delivered during the delivery period concerned.

5. Where it appears, on the basis of the notifications referred to in point (a) of the first subparagraph of Article 22 (1), that there is a risk that the processing thresholds fixed in Article 5 of Regulation (EC) No 2202/96 may be exceeded, the Commission may reduce the percentage laid down in paragraph 2 of this Article in accordance with the procedure provided for in Article 6 of Regulation (EC) No 2202/96.

Article 15

1. The aid or advance shall be paid by the competent body of the Member State in which the raw material was harvested once the supervisory body of the Member State in which processing takes place has established that the products covered by the application for the aid or the advance have been delivered to the processor.

Where processing takes place in another Member State, that Member State shall provide the Member State where the product is harvested with proof that the product has in fact been delivered.

No aid or advance shall be granted on quantities in respect of which the requisite checks on the conditions under which the aid is granted have not been conducted. In particular, no aid shall be paid before the information from the Commission to the Member States, as provided for in the second subparagraph of Article 22 (1), has been received and, if the processing thresholds are exceeded, before a decision has been taken under Article 6 of Regulation (EC) No 2202/96.

2. Within 15 working days following receipt of the aid or the advance, the producer organization shall pay in full by bank or postal transfer the amounts received to its members or, where the second and third indents of Article 11 (1) (c) (3) of Regulation (EC) No 2200/96 apply, to the members of the other producer organizations and/or to the individual producers concerned. In cases as provided for in Article 4 of this Regulation, such payments may be credited.

CHAPTER VI

Controls and penalties

Article 16

1. Producer organizations delivering products for processing shall keep records covering each product delivered. Such records shall contain at least the following:

- (a) in the case of quantities delivered under multiannual contracts:
 - (i) the consignments delivered, by delivery day, and the identification number of the contract to which they relate,
 - (ii) the net weight of each consignment delivered and the identification number of the relevant delivery certificate;
- (b) in the case of quantities delivered under contracts for one marketing year:
 - (i) the consignments delivered, by delivery day, and the identification number of the contract to which they relate,
 - (ii) the net weight of each consignment delivered and the identification number of the relevant delivery certificate,
 - (iii) the total quantities delivered, by delivery day, broken down in accordance with the aid applicable;
- (c) in the case of quantities delivered otherwise than under contracts:
 - (i) the consignments delivered by delivery day and the name and address of the processor,
 - (ii) the net weight of each consignment delivered.

2. Producer organizations shall submit to all inspections and checks deemed necessary by the competent authorities and shall keep all additional records laid down by those authorities for the purposes of the checks they require.

3. The Member States may decide what form the records provided for in paragraphs 1 and 2 shall take.

Article 17

1. Processors shall keep records covering each product purchased. Such records shall contain at least the following:

- (a) in the case of quantities purchased from producer organizations under contracts:

- (i) the consignments received, by delivery day, and the identification number of the contract to which they relate,
 - (ii) the net weight of each consignment received, the identification number of the corresponding delivery certificate and the precise identification of the means of transport used;
- (b) in the case of other quantities purchased:
 - (i) the consignments received, by delivery day, and the name and address of the seller,
 - (ii) the net weight of each consignment received;
- (c) the quantities of juice obtained each day, broken down by concentration, expressed in degrees Brix, specifying the quantities obtained from consignments delivered under contracts;
- (d) the quantities of segments obtained each day, specifying the quantities obtained from consignments delivered under contracts;
- (e) the quantities of every other finished product and by-product obtained each day, specifying the quantities obtained from consignments delivered under contracts;
- (f) the quantities of waste obtained each day and the uses to which such waste is put;
- (g) the quantities of each finished product and by-product purchased by the processor each day, giving the name and address of the seller; in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix;
- (h) the quantities of each finished product and by-product leaving the processor's establishment each day, giving the name and address of the consignee; in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix; such details may appear in the records as a reference to supporting documents existing elsewhere, provided that such documents contain the abovementioned particulars;
- (i) the quantities of finished products and by-products in stock at the end of the marketing year, broken down by finished product and by-product.

The quantities shall be expressed in net weight.

2. As from the end of the processing year in question, processors shall keep proof of payment of all raw materials purchased under contracts or written amendments thereto for five years. Processors shall also keep proof of payment or sale of all processed finished products and by-products purchased or sold for the five years.

3. Processors shall submit to all inspections and checks deemed necessary by the competent authorities and shall keep all additional records laid down by such authorities for the purpose of the checks they deem necessary.

4. The Member States may decide what form the records provided for in paragraphs 1 and 3 shall take.

Article 18

1. Member States shall take all the measures necessary to ensure compliance with this Regulation. To that end, and without prejudice to Title VI of Regulation (EC) No 2200/96, they shall in particular conduct the checks provided for in paragraphs 2 and 3 of this Article.

2. Physical and documentary checks shall be carried out on all producer organizations covering, for each product, marketing year and producer organization, at least 30 % of:

- (a) the areas referred to in Article 8 (1) and (2);
- (b) the agreements referred to in Article 8 (3);
- (c) the payments referred to in Article 15;
- (d) the quantities delivered for processing in each delivery period;
- (e) applications for aid or advances.

The checks shall be designed in particular to verify that the following tally:

- (a) the quantities of products delivered for processing under contracts and covered by delivery certificates as provided for in Article 10 (2) and those covered by each application for the aid or an advance; and
- (b) the quantities of products delivered for processing under contracts and those delivered to producer organizations by their members, by members of other producer organizations where the second and third indents of Article 11 (1) (c) (3) of Regulation (EEC) No 2200/96 apply, and by individual producers where Article 4 of Regulation (EC) No 2202/96 applies;

3. Physical and documentary checks shall be carried out on all processors covering, for each product received, month and processor, at least 30 % of:

- (a) the consignments received under each type of contract (for one or more marketing years); the checks shall cover at least the net weight of each consignment, the actual link with a contract, the delivery certificates as provided for in Article 10 (2), the precise identification of the means of transport used and compliance with the minimum requirements laid down in the Annex;
- (b) each finished product and by-product obtained under contracts;
- (c) each finished product and by-product obtained otherwise than under contracts;

(d) transfers as provided for in Article 3 (3) (f).

Those checks shall be designed in particular to verify that the following tally:

- (a) on the one hand, the invoices for the purchase and sale of finished products and by-products; and
- (b) on the other hand, the quantities of products received by each processor, the quantities of finished products and by-products produced, the quantities of finished products and by-products purchased, and the quantities of finished products and by-products sold or in stock.

At least twice a year, the Member States shall conduct physical checks of stocks of products processed by the processor and of stocks of processed products purchased and shall carry out a reconciliation of the data thus obtained with those in the processor's records.

4. Member States may increase the frequency and percentage of checks laid down in paragraphs 2 and 3.

Article 19

1. Checks conducted pursuant to Article 18 shall not preclude any additional checks by the competent authorities or any consequences resulting from the application of national provisions.

2. Member States shall take all the measures necessary to ensure that the records are kept properly and that they tally with the general accounts of the producer organizations and of the processors.

3. Where checks reveal substantial irregularities, the competent authorities shall conduct additional checks during the marketing year in progress and increase the frequency of checks during the following marketing year.

Article 20

1. If the aid or the advance for a product applied for by a producer organization in respect of a marketing year or a delivery period is found to be greater than the amount due, the latter shall be reduced where the difference is the result of false declarations, false documents or serious negligence on the part of the producer organization. That reduction shall be equal to twice the difference, plus interest calculated on the period elapsing between payment and reimbursement of the amount unduly received by the recipient.

The interest rate shall be that applied by the European Monetary Institute to operations in ecus, as published in the 'C' series of the *Official Journal of the European Communities* and in force on the date of the undue payment, plus three percentage points.

2. Where paragraph 1 is applied and if the difference between the aid or advance actually paid and the aid or advance due exceeds 20 % of the aid or advance due, the recipient shall reimburse the total aid or advance paid, plus interest calculated in accordance with paragraph 1; if that difference exceeds 30 %, the producer organization shall also forfeit any entitlement to production aid in the following marketing year.

3. Amounts recovered and interest shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

4. Member States shall take the measures necessary to ensure compliance with Article 15 (2). They shall make provision in particular for penalties against the officers of the producer organization commensurate with the seriousness of any irregularity.

5. Where the quantity of a product delivered under a multiannual contract for a marketing year is found to be less than the minimum quantity laid down in Article 3 (6), the corresponding aid under the multiannual contract shall be reduced by 50 % for the marketing year in question. The recipient shall reimburse the difference between the aid actually paid and the aid due, plus interest calculated in accordance with paragraph 1.

Where three multiannual contracts or more are affected at the same time by a failure to deliver the minimum quantity for a marketing year, the producer organization in question shall be barred from signing further multiannual contracts from the time such failure is observed. Depending on the seriousness of such failure, the Member State shall determine the duration of such a bar. It shall cover at least two marketing years. The first subparagraph shall apply to all contracts.

6. Where producer organizations commit irregularities on more than one occasion, Member States shall withdraw the producer organization's recognition or preliminary recognition in the case of producer groups granted preliminary recognition.

Article 21

1. Where in the course of a marketing year processors are found to have failed to process the total quantity of a product delivered to them under contracts, they shall be liable to a financial penalty. The latter shall be calculated as follows:

- (a) where the difference between the quantity delivered and the quantity processed does not exceed 5 %, the penalty shall be equal to three times the amount obtained by multiplying 5 % of the total quantity of product delivered by the level of aid corresponding to the multiannual contract for the marketing year in question;
- (b) where the difference falls between 5 % and 20 %, the penalty shall be equal to four times the amount

obtained by multiplying 20 % of the total quantity of product delivered by the level of aid corresponding to the multiannual contract for the marketing year in question and the processor shall be barred from the scheme for the marketing year following that in which his failure to process is established;

- (c) where the difference exceeds 20 %, the penalty shall be equal to five times the amount obtained by multiplying 50 % of the total quantity of product delivered by the level of aid corresponding to the multiannual contract for the marketing year in question and the processor shall be barred from the scheme for the three marketing years following that in which his failure to process is established.

2. The penalty referred to in paragraph 1 shall not be applied if the processor can prove to the satisfaction of the competent national authority, that the irregularities were not deliberate or the result of serious negligence.

CHAPTER VII

Communications to the Commission

Article 22

1. Each Member State shall notify to the Commission:

- (a) the quantity of each product covered by contracts for the marketing year in progress, broken down by delivery period, at the latest by:
 - (i) 1 July in the case of lemons;
 - (ii) 1 December in the case of other products;
- (b) the quantity of each product delivered for processing under Regulation (EC) No 2202/96, at the latest by:
 - (i) 15 July of the following marketing year in the case of lemons;
 - (ii) 1 September of the marketing year in progress in the case of mandarins, clementines and satsumas;
 - (iii) 1 December of the following marketing year in the case of oranges, grapefruit and pomelos.

On the basis of the information referred to in the first subparagraph, the Commission shall determine whether the processing thresholds referred to in Article 5 of Regulation (EC) No 2202/96 have been complied with or exceeded. Member States shall be immediately informed of the results of this check. A decision shall be taken on the financial consequences of exceeding the thresholds in accordance with Article 6 of Regulation (EC) No 2202/96.

2. In respect of each product, at the latest by 1 January of the following marketing year, each Member State concerned shall communicate to the Commission:

- (a) the quantities received by processors, broken down by finished product and by-product obtained;

- (b) the quantities received by processors under contracts, broken down by delivery period and type of contract, that is, either covering one marketing year or multi-annual;
- (c) the quantities received by processors under contracts, broken down by finished product and by-product obtained;
- (d) the quantities of each finished product and by-product obtained from the quantities referred to in (a); in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix;
- (e) the quantities of each finished product and by-product obtained from the quantities referred to in (c); in the case of juice, such quantities shall be broken down by concentration, expressed in degrees Brix;
- (f) the quantities of each finished product and by-product in stock at the end of the marketing year;
- (g) the quantities covered by contracts and delivered, by type of contract, that is, either covering one marketing year or multiannual;
- (h) expenditure, expressed in national currency, on aid paid to producer organizations.

The quantities shall be expressed in net weight.

CHAPTER VIII

Transitional and final provisions

Article 23

1. As regards grapefruit and pomelos, the exceeding of the processing thresholds laid down in Article 5 (2) of

Regulation (EC) No 2202/96 for the 1997/98 and 1998/99 marketing years shall be assessed on the basis of:

- (a) the quantities processed during the 1997/98 marketing year under Regulation (EC) No 2202/96 for the 1997/98 marketing year;
- (b) the average quantities processed during the 1997/98 and 1998/99 marketing years under Regulation (EC) No 2202/96 for the 1998/99 marketing year.

2. By way of an exception in the case of the 1997/98 marketing year:

- (a) operations referred to in Article 5 (1), Article 7 (1) and Article 8 shall be carried out at the latest by:
 - (i) 1 December for lemons;
 - (ii) 1 February for oranges;
- (b) notifications as provided for in Article 22 (1) (a) shall be forwarded at the latest by:
 - (i) 15 January for lemons;
 - (ii) 15 March for oranges;
- (c) advances on aid as provided for in Article 14 (4) for the first and second delivery periods may not be paid before:
 - (i) 1 March for lemons;
 - (ii) 15 April for oranges.

Member States shall take the measures necessary to facilitate and monitor such operations.

Article 24

Regulation (EC) No 3338/93 is hereby repealed.

Article 25

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

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

MINIMUM REQUIREMENTS AS PROVIDED FOR IN ARTICLE 9

Products delivered for processing must:

1. be whole, of sound and fair merchantable quality and suitable for processing. Products affected by rot are excluded;
2. comply with the following minimum values:

(a) Products for processing into juice

	Yield in juice	Degrees Brix (°)
Oranges	30 %	10°
Mandarins	23 %	10°
Clementines	25 %	10°
Grapefruit and pomelos	22 %	8°
Lemons	20 %	7°

(°) Refractometric method.

(b) Products for processing into segments

	Yield in juice	Degrees Brix (°)
Clementines	33 %	10°
Satsumas	33 %	10°

(°) Refractometric method.

For processing into juice, clementines and satsumas must be at least 45 mm in size.

COMMISSION REGULATION (EC) No 1170/97
of 26 June 1997

**amending Regulation (EC) No 1772/96 laying down detailed rules for
implementation of the specific measures for the supply of seed potatoes to the
French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 1772/96 is hereby amended as follows:

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

1. Article 1 is replaced by the following:

'Article 1

For the purpose of applying Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance for seed potatoes falling within CN code 0701 10 00 exempt from duty on importation into the French overseas departments or, for products from the rest of the Community, eligible for Community aid is hereby set at 750 tonnes for the period 1 July 1997 to 30 June 1998. This quantity is allocated as laid down in the Annex.

The French authorities may adjust the allocation within the overall limit set. They shall inform the Commission of any such adjustment³;

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, Commission Regulation (EC) No 1772/96⁽³⁾ fixes the forecast supply balance for seed potatoes and the level of aid for their supply from the rest of the Community to the French overseas departments for the 1996/97 marketing year; whereas the forecast supply balance for the French overseas departments should be fixed for the 1997/98 marketing year; whereas the balance must be fixed on the basis of the needs of the departments, taking account, *inter alia*, of traditional trade patterns;

2. Article 2 is replaced by the following:

'Article 2

For the purpose of applying Article 2 (4) of Regulation (EEC) No 3763/91, aid for supplying the French overseas departments with seed potatoes from the rest of the Community is hereby set, having regard to the forecast supply balance, at ECU 4,830 per 100 kg for exports to Guadeloupe and ECU 5,430 per 100 kg for exports to Réunion⁴;

Whereas, for the purpose of applying Article 2 (4) of Regulation (EEC) No 3763/91, the level of aid for the supply of seed potatoes from the rest of the Community to the French overseas departments should be fixed for the 1997/98 marketing year to ensure that potatoes are supplied under conditions equivalent for the end user to exemption from import duties on seed potatoes from third countries; whereas that aid should be fixed taking account, *inter alia*, of the cost of supply from the world market;

3. The Annex is replaced by the Annex hereto.

Article 2

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

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

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 232, 13. 9. 1996, p. 13.

It shall apply from 1 July 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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ANNEX

'ANNEX

		(tonnes)
Seed potatoes falling within CN code 0701 10 00		
Guadeloupe		50
Réunion		700'

COMMISSION REGULATION (EC) No 1171/97
of 26 June 1997
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 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 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽⁵⁾, as last amended by Regulation (EC) No 1599/96⁽⁶⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁷⁾, as last amended by Regulation (EEC) No 222/88⁽⁸⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in

particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽⁶⁾ OJ No L 206, 16. 8. 1996, p. 43.
⁽⁷⁾ OJ No L 91, 1. 4. 1984, p. 71.
⁽⁸⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 26 June 1997 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 99 9600	+	131,29
	...	—	0402 21 99 9700	+	137,24
0401 10 90 9000	970	2,327	0402 21 99 9900	+	143,96
	...	—	0402 29 15 9200	+	0,6300
0401 20 11 9100	+	—	0402 29 15 9300	+	0,9530
0401 20 11 9500	970	3,597	0402 29 15 9500	+	1,0040
	...	—	0402 29 15 9900	+	1,0802
0401 20 19 9100	+	—	0402 29 19 9200	+	0,6300
0401 20 19 9500	970	3,597	0402 29 19 9300	+	0,9530
	...	—	0402 29 19 9500	+	1,0040
0401 20 91 9100	+	4,790	0402 29 19 9900	+	1,0802
0401 20 91 9500	+	5,581	0402 29 91 9100	+	1,0878
0401 20 99 9100	+	4,790	0402 29 91 9500	+	1,1851
0401 20 99 9500	+	5,581	0402 29 99 9100	+	1,0878
0401 30 11 9100	+	7,161	0402 29 99 9500	+	1,1851
0401 30 11 9400	+	11,05	0402 91 11 9110	+	—
0401 30 11 9700	+	16,60	0402 91 11 9120	+	4,790
0401 30 19 9100	+	7,161	0402 91 11 9310	+	14,00
0401 30 19 9400	+	11,05	0402 91 11 9350	+	17,15
0401 30 19 9700	+	16,60	0402 91 11 9370	+	20,85
0401 30 31 9100	+	40,34	0402 91 19 9110	+	—
0401 30 31 9400	+	63,00	0402 91 19 9120	+	4,790
0401 30 31 9700	+	69,47	0402 91 19 9310	+	14,00
0401 30 39 9100	+	40,34	0402 91 19 9350	+	17,15
0401 30 39 9400	+	63,00	0402 91 19 9370	+	20,85
0401 30 39 9700	+	69,47	0402 91 31 9100	+	9,464
0401 30 91 9100	+	79,18	0402 91 31 9300	+	24,65
0401 30 91 9400	+	116,37	0402 91 39 9100	+	9,464
0401 30 91 9700	+	135,80	0402 91 39 9300	+	24,65
0401 30 99 9100	+	79,18	0402 91 51 9000	+	11,05
0401 30 99 9400	+	116,37	0402 91 59 9000	+	11,05
0401 30 99 9700	+	135,80	0402 91 91 9000	+	79,18
0402 10 11 9000	+	63,00	0402 91 99 9000	+	79,18
0402 10 19 9000	+	63,00	0402 99 11 9110	+	—
0402 10 91 9000	+	0,6300	0402 99 11 9130	+	0,0480
0402 10 99 9000	+	0,6300	0402 99 11 9150	+	0,1336
0402 21 11 9200	+	63,00	0402 99 11 9310	+	16,14
0402 21 11 9300	+	95,30	0402 99 11 9330	+	19,37
0402 21 11 9500	+	100,40	0402 99 11 9350	+	25,75
0402 21 11 9900	+	108,00	0402 99 19 9110	+	—
0402 21 17 9000	+	63,00	0402 99 19 9130	+	0,0480
0402 21 19 9300	+	95,30	0402 99 19 9150	+	0,1336
0402 21 19 9500	+	100,40	0402 99 19 9310	+	16,14
0402 21 19 9900	+	108,00	0402 99 19 9330	+	19,37
0402 21 91 9100	+	108,78	0402 99 19 9350	+	25,75
0402 21 91 9200	+	109,53	0402 99 31 9110	+	0,1026
0402 21 91 9300	+	110,88	0402 99 31 9150	+	26,81
0402 21 91 9400	+	118,51	0402 99 31 9300	+	0,4034
0402 21 91 9500	+	121,15	0402 99 31 9500	+	0,6947
0402 21 91 9600	+	131,29	0402 99 39 9110	+	0,1026
0402 21 91 9700	+	137,24	0402 99 39 9150	+	26,81
0402 21 91 9900	+	143,96	0402 99 39 9300	+	0,4034
0402 21 99 9100	+	108,78			
0402 21 99 9200	+	109,53			
0402 21 99 9300	+	110,88			
0402 21 99 9400	+	118,51			
0402 21 99 9500	+	121,15			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6947	0404 90 29 9160	+	136,02
0402 99 91 9000	+	0,7918	0404 90 29 9180	+	142,66
0402 99 99 9000	+	0,7918	0404 90 81 9100	+	0,6194
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	16,00
0403 10 13 9800	+	4,790	0404 90 83 9110	+	0,6194
0403 10 19 9800	+	7,161	0404 90 83 9130	+	0,9445
0403 10 31 9400	+	—	0404 90 83 9150	+	0,9950
0403 10 31 9800	+	—	0404 90 83 9170	+	1,0703
0403 10 33 9800	+	0,0480	0404 90 83 9911	+	—
0403 10 39 9800	+	0,0716	0404 90 83 9913	+	0,0480
0403 90 11 9000	+	61,94	0404 90 83 9915	+	0,0716
0403 90 13 9200	+	61,94	0404 90 83 9917	+	0,1105
0403 90 13 9300	+	94,45	0404 90 83 9919	+	0,1660
0403 90 13 9500	+	99,50	0404 90 83 9931	+	16,00
0403 90 13 9900	+	107,03	0404 90 83 9933	+	19,20
0403 90 19 9000	+	107,83	0404 90 83 9935	+	25,52
0403 90 31 9000	+	0,6194	0404 90 83 9937	+	26,55
0403 90 33 9200	+	0,6194	0404 90 89 9130	+	1,0783
0403 90 33 9300	+	0,9445	0404 90 89 9150	+	1,1746
0403 90 33 9500	+	0,9950	0404 90 89 9930	+	0,4843
0403 90 33 9900	+	1,0703	0404 90 89 9950	+	0,6947
0403 90 39 9000	+	1,0783	0404 90 89 9990	+	0,7918
0403 90 51 9100	970	2,327	0405 10 11 9500	+	185,37
	...	—	0405 10 11 9700	+	190,00
0403 90 51 9300	+	—	0405 10 19 9500	+	185,37
0403 90 53 9000	+	4,790	0405 10 19 9700	+	190,00
0403 90 59 9110	+	7,161	0405 10 30 9100	+	185,37
0403 90 59 9140	+	11,05	0405 10 30 9300	+	190,00
0403 90 59 9170	+	16,60	0405 10 30 9500	+	185,37
0403 90 59 9310	+	40,34	0405 10 30 9700	+	190,00
0403 90 59 9340	+	63,00	0405 10 50 9100	+	185,37
0403 90 59 9370	+	69,47	0405 10 50 9300	+	190,00
0403 90 59 9510	+	79,18	0405 10 50 9500	+	185,37
0403 90 59 9540	+	116,37	0405 10 50 9700	+	190,00
0403 90 59 9570	+	135,80	0405 10 90 9000	+	196,95
0403 90 61 9100	+	—	0405 20 90 9500	+	173,78
0403 90 61 9300	+	—	0405 20 90 9700	+	180,73
0403 90 63 9000	+	0,0480	0405 90 10 9000	+	240,00
0403 90 69 9000	+	0,0716	0405 90 90 9000	+	190,00
0404 90 21 9100	+	61,94	0406 10 20 9100	+	—
0404 90 21 9910	+	—	0406 10 20 9230	037	—
0404 90 21 9950	+	13,87		039	—
0404 90 23 9120	+	61,94		099	24,03
0404 90 23 9130	+	94,45		400	24,72
0404 90 23 9140	+	99,50		...	36,05
0404 90 23 9150	+	107,03			
0404 90 23 9911	+	—	0406 10 20 9290	037	—
0404 90 23 9913	+	4,790		039	—
0404 90 23 9915	+	7,161		099	22,36
0404 90 23 9917	+	11,05		400	16,09
0404 90 23 9919	+	16,60		...	33,54
0404 90 23 9931	+	13,87			
0404 90 23 9933	+	17,00			
0404 90 23 9935	+	20,66			
0404 90 23 9937	+	24,43			
0404 90 23 9939	+	25,54			
0404 90 29 9110	+	107,83			
0404 90 29 9115	+	108,54	0406 10 20 9300	037	—
0404 90 29 9120	+	109,89		039	—
0404 90 29 9130	+	117,46		099	9,820
0404 90 29 9135	+	120,05		400	8,246
0404 90 29 9150	+	130,11		...	14,73

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	32,61		039	—
	400	35,03		099	12,55
	...	48,91		400	8,785
0406 10 20 9620	037	—		...	18,82
	039	—	0406 30 31 9730	037	—
	099	33,07		039	—
	400	38,41		099	18,41
	...	49,60		400	12,89
0406 10 20 9630	037	—		...	27,62
	039	—	0406 30 31 9910	037	—
	099	36,91		039	—
	400	43,37		099	12,55
	...	55,37		400	8,785
0406 10 20 9640	037	—		...	18,82
	039	—	0406 30 31 9930	037	—
	099	54,25		039	—
	400	50,89		099	18,41
	...	81,37		400	12,89
0406 10 20 9650	037	—		...	27,62
	039	—	0406 30 31 9950	037	—
	099	45,21		039	—
	400	26,78		099	26,79
	...	67,81		400	18,75
0406 10 20 9660	+	—		...	40,18
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	14,08		400	12,89
	...	25,15		...	27,62
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	17,07		400	18,75
	...	30,49		...	40,18
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	26,79
0406 20 90 9913	037	—		400	18,75
	039	—		...	40,18
	099	37,49	0406 30 39 9950	037	—
	400	33,25		039	—
	...	56,24		099	30,29
0406 20 90 9915	037	—		400	22,25
	039	—		...	45,43
	099	49,48	0406 30 90 9000	037	—
	400	44,34		039	—
	...	74,22		099	31,78
0406 20 90 9917	037	—		400	22,25
	039	—		...	47,66
	099	52,57	0406 40 50 9000	037	—
	400	47,10		039	—
	...	78,86		099	57,42
0406 20 90 9919	037	—		400	34,72
	039	—		...	86,13
	099	58,76			
	400	52,65			
	...	88,14			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9151	037	—
	039	—		039	—
	099	58,96		099	38,10
	400	34,72		400	22,64
	...	88,44		...	57,15
0406 90 13 9000	037	—	0406 90 33 9919	037	—
	039	—		039	—
	099	63,33		099	36,17
	400	68,40		400	21,40
	...	94,99		...	54,25
0406 90 15 9100	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	65,44		099	38,10
	400	72,00		400	21,06
	...	98,16		...	57,15
0406 90 17 9100	037	—	0406 90 35 9190	037	30,47
	039	—		039	30,47
	099	65,44		099	64,63
	400	68,40		400	79,25
	...	98,16		...	96,94
0406 90 21 9900	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	64,87		099	57,56
	400	46,87		400	42,31
	...	97,30		...	86,34
0406 90 23 9900	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	48,04		099	63,33
	400	19,55		400	72,00
	...	72,06		...	94,99
0406 90 25 9900	037	—	0406 90 61 9000	037	42,75
	039	—		039	42,75
	099	48,65		099	69,28
	400	22,27		400	60,28
	...	72,97		...	103,92
0406 90 27 9900	037	—	0406 90 63 9100	037	39,07
	039	—		039	39,07
	099	44,05		099	67,25
	400	19,55		400	70,62
	...	66,08		...	100,88
0406 90 31 9119	037	—	0406 90 63 9900	037	31,07
	039	—		039	31,07
	099	36,17		099	51,51
	400	24,22		400	54,09
	...	54,25		...	77,27
0406 90 31 9151	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	38,10		039	—
	400	22,64		099	51,51
	...	57,15		400	54,09
0406 90 33 9119	037	—		...	77,27
	039	—	0406 90 73 9900	037	—
	099	36,17		039	—
	400	24,22		099	48,53
	...	54,25		400	51,72
				...	72,79

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 75 9900	037	—	0406 90 85 9995	037	—
	039	—		039	—
	099	54,70		099	54,70
	400	23,44		400	22,27
	...	82,05		...	82,05
0406 90 76 9100	037	—	0406 90 85 9999	+	—
	039	—		+	—
	099	38,73		0406 90 86 9100	—
	400	19,09		0406 90 86 9200	—
	...	58,10		039	—
0406 90 76 9300	037	—	0406 90 86 9300	099	39,13
	039	—		400	29,10
	099	45,89		...	58,69
	400	21,18		037	—
	...	68,84		039	—
0406 90 76 9500	037	—	0406 90 86 9400	099	40,50
	039	—		400	31,89
	099	50,79		...	60,75
	400	24,44		037	—
	...	76,19		039	—
0406 90 78 9100	037	—	0406 90 86 9900	099	45,50
	039	—		400	36,08
	099	43,06		...	68,25
	400	19,09		037	—
	...	64,59		039	—
0406 90 78 9300	037	—	0406 90 87 9100	099	57,63
	039	—		400	42,36
	099	52,73		...	86,45
	400	21,18		+	—
	...	79,09		0406 90 87 9200	—
0406 90 78 9500	037	—	0406 90 87 9300	039	—
	039	—		099	32,61
	099	52,73		400	26,91
	400	24,44		...	48,91
	...	79,09		037	—
0406 90 79 9900	037	—	0406 90 87 9400	039	—
	039	—		099	37,20
	099	39,88		400	29,49
	400	20,24		...	55,80
	...	59,82		037	—
0406 90 81 9900	037	—	0406 90 87 9951	039	—
	039	—		099	40,35
	099	47,73		400	33,38
	400	42,31		...	60,53
	...	71,59		037	—
0406 90 85 9910	037	30,47	0406 90 87 9971	039	—
	039	30,47		099	55,52
	099	62,39		400	69,82
	400	79,25		...	83,29
	...	93,58		037	—
0406 90 85 9991	037	—	0406 90 87 9971	039	—
	039	—		099	55,36
	099	57,56		400	36,22
	400	42,31		...	83,04
	...	86,34			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9972	099	21,09	2309 10 19 9100	+	—
	400	14,39	2309 10 19 9200	+	—
	...	31,64	2309 10 19 9300	+	—
0406 90 87 9973	037	—	2309 10 19 9400	+	—
	039	—	2309 10 19 9500	+	—
	099	49,56	2309 10 19 9600	+	—
	400	25,35	2309 10 19 9700	+	—
	...	74,34	2309 10 19 9800	+	—
0406 90 87 9974	037	—	2309 10 70 9010	+	—
	039	—	2309 10 70 9100	+	14,58
	099	55,36	2309 10 70 9200	+	19,44
	400	25,35	2309 10 70 9300	+	24,30
	...	83,04	2309 10 70 9500	+	29,16
0406 90 87 9979	037	—	2309 10 70 9600	+	34,02
	039	—	2309 10 70 9700	+	38,88
	099	48,04	2309 10 70 9800	+	42,77
	400	25,35	2309 90 35 9010	+	—
	...	72,06	2309 90 35 9100	+	—
0406 90 88 9100	+	—	2309 90 35 9200	+	—
0406 90 88 9105	037	—	2309 90 35 9300	+	—
	039	—	2309 90 35 9400	+	—
	099	55,22	2309 90 35 9500	+	—
	400	31,89	2309 90 35 9700	+	—
	...	82,83	2309 90 39 9010	+	—
0406 90 88 9300	037	—	2309 90 39 9100	+	—
	039	—	2309 90 39 9200	+	—
	099	33,52	2309 90 39 9300	+	—
	400	31,89	2309 90 39 9400	+	—
	...	50,28	2309 90 39 9500	+	—
2309 10 15 9010	+	—	2309 90 39 9600	+	—
2309 10 15 9100	+	—	2309 90 39 9700	+	—
2309 10 15 9200	+	—	2309 90 39 9800	+	—
2309 10 15 9300	+	—	2309 90 70 9010	+	—
2309 10 15 9400	+	—	2309 90 70 9100	+	14,58
2309 10 15 9500	+	—	2309 90 70 9200	+	19,44
2309 10 15 9700	+	—	2309 90 70 9300	+	24,30
2309 10 19 9010	+	—	2309 90 70 9500	+	29,16
			2309 90 70 9600	+	34,02
			2309 90 70 9700	+	38,88
			2309 90 70 9800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 895/97 (OJ No L 128, 21. 5. 1997, p. 1).

However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Article 34 (1) (c) of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EC) No 1172/97
of 26 June 1997

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid

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

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

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, as last amended by Regulation (EC) No 868/97⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 1171/97 of 26 June 1997 fixing the export refunds on milk and milk products⁽⁷⁾ fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to amended Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 124, 16. 5. 1997, p. 10.

⁽⁷⁾ See page 28 of this Official Journal.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000	(¹)	2,327
0401 10 90	— — Other	0401 10 90 9000	(¹)	2,327
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	— — Not exceeding 3 %:			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100	(¹)	2,327
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500	(¹)	3,597
0401 20 19	— — — Other:			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100	(¹)	2,327
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500	(¹)	3,597
	— — Exceeding 3 %:			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100	(¹)	4,790
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 9500	(¹)	5,581
0401 20 99	— — — Other:			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100	(¹)	4,790
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 9500	(¹)	5,581
0401 30	— Of a fat content, by weight, exceeding 6 %:			
	— — Not exceeding 21 %:			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — — Of a fat content, by weight:			
	— — — — — Not exceeding 10 %	0401 30 11 9100	(¹)	7,161
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 9400	(¹)	11,05
	— — — — — Exceeding 17 %	0401 30 11 9700	(¹)	16,60
0401 30 19	— — — Other:			
	— — — — Of a fat content, by weight:			
	— — — — — Not exceeding 10 %	0401 30 19 9100	(¹)	7,161
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 9400	(¹)	11,05
	— — — — — Exceeding 17 %	0401 30 19 9700	(¹)	16,60
	— — Exceeding 21 % but not exceeding 45 %:			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 31 9100	(1)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 31 9400	(1)	63,00
	— Exceeding 39 %	0401 30 31 9700	(1)	69,47
0401 30 39	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 39 9100	(1)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 9400	(1)	63,00
	— Exceeding 39 %	0401 30 39 9700	(1)	69,47
	— — Exceeding 45 %:			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 91 9100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 9400	(1)	116,37
	— Exceeding 80 %	0401 30 91 9700	(1)	135,80
0401 30 99	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 99 9100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 9400	(1)	116,37
	— Exceeding 80 %	0401 30 99 9700	(1)	135,80
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(2)	63,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(2)	108,00
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 21 11 9200	(2)	63,00
	— Exceeding 11 % but not exceeding 17 %	0402 21 11 9300	(2)	95,30
	— Exceeding 17 % but not exceeding 25 %	0402 21 11 9500	(2)	100,40
	— Exceeding 25 %	0402 21 11 9900	(2)	108,00
	— — — — Other:			
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	— Not exceeding 17 %	0402 21 19 9300	(4)	95,30
	— Exceeding 17 % but not exceeding 25 %	0402 21 19 9500	(2)	100,40
	— Exceeding 25 %	0402 21 19 9900	(2)	108,00
	— — — — — Of a fat content, by weight, exceeding 27 %:			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 9500		185,37
	— — — — — — Of 82 % or more	0405 10 11 9700		190,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 9500		185,37
	— — — — — — Of 82 % or more	0405 10 19 9700		190,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9100		185,37
	— — — — — — Of 82 % or more	0405 10 30 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9500		185,37
	— — — — — — Of 82 % or more	0405 10 30 9700		190,00
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9100		185,37
	— — — — — — Of 82 % or more	0405 10 50 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9500		185,37
	— — — — — — Of 82 % or more	0405 10 50 9700		190,00
0405 10 90	— — Other	0405 10 90 9000		196,95
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 9500		173,78
	— — — — Of 78 % or more	0405 20 90 9700		180,73
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		240,00
0405 90 90	— — Other	0405 90 90 9000		190,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 90 23	— — — Edam	47	40	0406 90 23 9900	⁽³⁾	72,06
ex 0406 90 25	— — — Tilsit	47	45	0406 90 25 9900	⁽³⁾	72,97
ex 0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	— — — — — Of a fat content, by weight, in the dry matter of less than 45 %	55	20	0406 90 76 9100	⁽³⁾	58,10
	— — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %	50	45	0406 90 76 9300	⁽³⁾	68,84
	— — — — — Other	46	55	0406 90 76 9500	⁽³⁾	76,19
ex 0406 90 78	— — — — — Gouda:					
	— — — — — Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	⁽³⁾	64,59
	— — — — — Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	⁽³⁾	79,09
	— — — — — Other	45	55	0406 90 78 9500	⁽³⁾	79,09
ex 0406 90 79	— — — — — Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	⁽³⁾	59,82
ex 0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	48	45	0406 90 81 9900	⁽³⁾	71,59
ex 0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 %:					
	— — — — — cheeses produced from whey			0406 90 86 9100		—
	— — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — Of less than 5 %	52		0406 90 86 9200	⁽³⁾	58,69
	— — — — — Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	⁽³⁾	60,75
	— — — — — Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	⁽³⁾	68,25
	— — — — — Of 39 % or more	40	39	0406 90 86 9900	⁽³⁾	86,45
ex 0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 %:					
	— — — — — cheeses produced from whey			0406 90 87 9100		—
	— — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — Of less than 5 %	60		0406 90 87 9200	⁽³⁾	48,91
	— — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	⁽³⁾	55,80
	— — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	⁽³⁾	60,53

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more: ----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk ----- Maasdam ----- Manouri ----- Hushallsost ----- Turunmaa, Pohjanpoika, Oltermanni ----- Other:	45 45 43 46 41 47	45 45 53 45 50 40	0406 90 87 9951 0406 90 87 9971 0406 90 87 9972 0406 90 87 9973 0406 90 87 9974 0406 90 87 9979	(1) (1) (1) (1) (1) (1)	83,29 83,04 31,64 74,34 83,04 72,06
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9100 0406 90 88 9300	(3) (3)	— 50,28

- (1) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (2) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid. When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (3) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (4) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight. The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:
- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;
 - (b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.

COMMISSION REGULATION (EC) No 1173/97
of 26 June 1997

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

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

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

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 869/97 ⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 1171/97 of 26 June 1997 fixing the export refunds on milk and milk

products ⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 124, 16. 5. 1997, p. 16.

⁽⁷⁾ See page 28 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000	(¹)	2,327
0401 10 90	— — Other	0401 10 90 9000	(¹)	2,327
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	— — Not exceeding 3 %:			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100	(¹)	2,327
	— Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500	(¹)	3,597
0401 20 19	— — — Other:			
	— Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100	(¹)	2,327
	— Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500	(¹)	3,597
	— — Exceeding 3 %:			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100	(¹)	4,790
	— Of a fat content, by weight, exceeding 4 %	0401 20 91 9500	(¹)	5,581
0401 20 99	— — — Other:			
	— Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100	(¹)	4,790
	— Of a fat content, by weight, exceeding 4 %	0401 20 99 9500	(¹)	5,581
0401 30	— Of a fat content, by weight, exceeding 6 %:			
	— — Not exceeding 21 %:			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 10 %	0401 30 11 9100	(¹)	7,161
	— Exceeding 10 % but not exceeding 17 %	0401 30 11 9400	(¹)	11,05
	— Exceeding 17 %	0401 30 11 9700	(¹)	16,60
0401 30 19	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 10 %	0401 30 19 9100	(¹)	7,161
	— Exceeding 10 % but not exceeding 17 %	0401 30 19 9400	(¹)	11,05
	— Exceeding 17 %	0401 30 19 9700	(¹)	16,60
	— — Exceeding 21 % but not exceeding 45 %:			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 31 9100	(¹)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 31 9400	(¹)	63,00
	— Exceeding 39 %	0401 30 31 9700	(¹)	69,47

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	— — — Other: — Of a fat content, by weight: — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700	(¹) (¹) (¹)	40,34 63,00 69,47
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700	(¹) (¹) (¹)	79,18 116,37 135,80
0401 30 99	— — — Other: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700	(¹) (¹) (¹)	79,18 116,37 135,80
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	— In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (⁷): — — Not containing added sugar or other sweetening matter (²):			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(²)	63,00
0402 10 19	— — — Other — — Other (³):	0402 10 19 9000	(²)	63,00
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(²)	0,6300
0402 10 99	— — — Other — In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (⁷):	0402 10 99 9000	(²)	0,6300
0402 21	— — Not containing added sugar or other sweetening matter (²): — — — Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Other:	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(²) (²) (²) (²)	63,00 95,30 100,40 108,00
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(²)	63,00
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: — Not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Of a fat content, by weight, exceeding 27 %:	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(²) (²) (²)	95,30 100,40 108,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 9100 0402 21 91 9200 0402 21 91 9300 0402 21 91 9400 0402 21 91 9500 0402 21 91 9600 0402 21 91 9700 0402 21 91 9900	(²) (²) (²) (²) (²) (²) (²) (²)	108,78 109,53 110,88 118,51 121,15 131,29 137,24 143,96
0402 21 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900	(²) (²) (²) (²) (²) (²) (²) (²)	108,78 109,53 110,88 118,51 121,15 131,29 137,24 143,96
ex 0402 29	— — Other (³): — — — Of a fat content, by weight, not exceeding 27 %: — — — — Other:			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 9200 0402 29 15 9300 0402 29 15 9500 0402 29 15 9900	(³) (³) (³) (³)	0,6300 0,9530 1,0040 1,0802
0402 29 19	— — — — — Other: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 %:	0402 29 19 9200 0402 29 19 9300 0402 29 19 9500 0402 29 19 9900	(³) (³) (³) (³)	0,6300 0,9530 1,0040 1,0802
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 91 9100 0402 29 91 9500	(³) (³)	1,0878 1,1851
0402 29 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 99 9100 0402 29 99 9500	(³) (³)	1,0878 1,1851

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	— Other:			
0402 91	— — Not containing added sugar or other sweetening matter ⁽²⁾ :			
	— — — Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 % and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 11 9110	⁽²⁾	2,327
	— Exceeding 3 %	0402 91 11 9120	⁽²⁾	4,790
	— Of 15 % or more and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 11 9310	⁽²⁾	13,98
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	⁽²⁾	17,15
	— Exceeding 7,4 %	0402 91 11 9370	⁽²⁾	20,85
0402 91 19	— — — — Other:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 % and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 19 9110	⁽²⁾	2,327
	— Exceeding 3 %	0402 91 19 9120	⁽²⁾	4,790
	— Of 15 % or more and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 19 9310	⁽²⁾	13,98
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	⁽²⁾	17,15
	— Exceeding 7,4 %	0402 91 19 9370	⁽²⁾	20,85
	— — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 %	0402 91 31 9100	⁽²⁾	9,464
	— Of 15 % or more	0402 91 31 9300	⁽²⁾	24,65
0402 91 39	— — — — Other:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 %	0402 91 39 9100	⁽²⁾	9,464
	— Of 15 % or more	0402 91 39 9300	⁽²⁾	24,65
	— — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	⁽²⁾	11,05
0402 91 59	— — — — Other	0402 91 59 9000	⁽²⁾	11,05
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	⁽²⁾	79,18
0402 91 99	— — — — Other	0402 91 99 9000	⁽²⁾	79,18

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	— — Other:			
	— — — Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 11 9110	⁽³⁾	0,0233
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	⁽³⁾	0,0480
	— Exceeding 6,9 %	0402 99 11 9150	⁽³⁾	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 11 9310	⁽⁴⁾	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	⁽⁴⁾	19,37
	— Exceeding 6,9 %	0402 99 11 9350	⁽⁴⁾	25,75
0402 99 19	— — — — Other:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 9110	⁽³⁾	0,0233
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	⁽³⁾	0,0480
	— Exceeding 6,9 %	0402 99 19 9150	⁽³⁾	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 19 9310	⁽⁴⁾	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	⁽⁴⁾	19,37
	— Exceeding 6,9 %	0402 99 19 9350	⁽⁴⁾	25,75
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 9110	⁽³⁾	0,1026
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 9150	⁽⁴⁾	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 9300	⁽³⁾	0,4034
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 9500	⁽³⁾	0,6947
0402 99 39	— — — — Other:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 9110	⁽³⁾	0,1026
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 9150	⁽⁴⁾	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 9300	⁽³⁾	0,4034
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 9500	⁽³⁾	0,6947

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽¹⁾	0402 99 91 9000	(2)	0,7918
0402 99 99	— — — — Other ⁽²⁾	0402 99 99 9000	(2)	0,7918
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 9500		185,37
	— — — — — — Of 82 % or more	0405 10 11 9700		190,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 9500		185,37
	— — — — — — Of 82 % or more	0405 10 19 9700		190,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9100		185,37
	— — — — — — Of 82 % or more	0405 10 30 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9500		185,37
	— — — — — — Of 82 % or more	0405 10 30 9700		190,00
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9100		185,37
	— — — — — — Of 82 % or more	0405 10 50 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9500		185,37
	— — — — — — Of 82 % or more	0405 10 50 9700		190,00
0405 10 90	— — Other	0405 10 90 9000		196,95
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 9500		173,78
	— — — — Of 78 % or more	0405 20 90 9700		180,73
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		240,00
0405 90 90	— — Other	0405 90 90 9000		190,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 30	— Processed cheese, not grated or powdered ⁽⁶⁾ :					
	— — Other:					
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	— — — — Not exceeding 48 %:					
	— — — — — Of a dry matter content, by weight:					
	— — — — — — Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 20 %	60		0406 30 31 9710	⁽⁵⁾	18,82
	— — — — — — — Of 20 % or more	60	20	0406 30 31 9730	⁽⁵⁾	27,62
	— — — — — — — Of 43 % or more and with a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 20 %	57		0406 30 31 9910	⁽⁵⁾	18,82
	— — — — — — — Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	⁽⁵⁾	27,62
	— — — — — — — Of 40 % or more	57	40	0406 30 31 9950	⁽⁵⁾	40,18
ex 0406 30 39	— — — — Exceeding 48 %:					
	— — — — — Of a dry matter, content, by weight:					
	— — — — — — Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	⁽⁵⁾	27,62
	— — — — — — Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	⁽⁵⁾	40,18
	— — — — — — Of 46 % or more and with a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 55 %	54	48	0406 30 39 9930	⁽⁵⁾	40,18
	— — — — — — — Of 55 % or more	54	55	0406 30 39 9950	⁽⁵⁾	45,43
ex 0406 30 90	— — — Of a list content exceeding 36 %	54	79	0406 30 90 9000	⁽⁵⁾	47,66
ex 0406 90 23	— — — Edam	47	40	0406 90 23 9900	⁽⁵⁾	72,06
ex 0406 90 25	— — — Tilsit	47	45	0406 90 25 9900	⁽⁵⁾	72,97
ex 0406 90 27	— — — Butterkäse	52	45	0406 90 27 9900	⁽⁵⁾	66,08
ex 0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	— — — — — — Of a fat content, by weight, in the dry matter of less than 45 %	55	20	0406 90 76 9100	⁽⁵⁾	58,10
	— — — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %	50	45	0406 90 76 9300	⁽⁵⁾	68,84
	— — — — — — — Other	46	55	0406 90 76 9500	⁽⁵⁾	76,19

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁹)	64,59
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁹)	79,09
	----- Other	45	55	0406 90 78 9500	(⁹)	79,09
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁹)	59,82
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	48	45	0406 90 81 9900	(⁹)	71,59
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	(⁹)	58,69
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁹)	60,75
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁹)	68,25
	----- Of 39 % or more	40	39	0406 90 86 9900	(⁹)	86,45
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	(⁹)	48,91
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁹)	55,80
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁹)	60,53
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁹)	83,29
	----- Maasdam	45	45	0406 90 87 9971	(⁹)	83,04
	----- Manouri	43	53	0406 90 87 9972	(⁹)	31,64
	----- Hushallsost	46	45	0406 90 87 9973	(⁹)	74,34
	----- Turunmaa, Pohjanpoika, Oltermanni	41	50	0406 90 87 9974	(⁹)	83,04
	----- Other	47	40	0406 90 87 9979	(⁹)	72,06

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 %:					
	— — — — — cheeses produced from whey			0406 90 88 9100		—
	— — — — — Other:					
	— — — — — Other:					
	— — — — — Of a fat content, by weight, in the dry matter:					
	— — — — — Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(¹)	50,28

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
- the lactose content of the added whey.

(⁴) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:

(a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:

- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
- divided by the weight of the lactic part contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 12 (3) of Regulation (EC) No 1466/95.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
- the lactose content of the added whey.

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the actual content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

COMMISSION REGULATION (EC) No 1174/97
of 26 June 1997
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁴⁾, as last amended by Regulation (EC) No 1516/95⁽⁵⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat and/or barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 24,75 per tonne.
2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 17,33 per tonne.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 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 329, 30. 12. 1995, p. 18.
⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.
⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 1175/97

of 26 June 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.
⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.
⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.
⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 26 June 1997 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	60,48	1104 23 10 9100	64,80
1102 20 10 9400 ⁽¹⁾	51,84	1104 23 10 9300	49,68
1102 20 90 9200 ⁽¹⁾	51,84	1104 29 11 9000	0,00
1102 90 10 9100	4,22	1104 29 51 9000	0,00
1102 90 10 9900	2,87	1104 29 55 9000	0,00
1102 90 30 9100	8,39	1104 30 10 9000	0,00
1103 12 00 9100	8,39	1104 30 90 9000	10,80
1103 13 10 9100 ⁽¹⁾	77,76	1107 10 11 9000	0,00
1103 13 10 9300 ⁽¹⁾	60,48	1107 10 91 9000	5,00
1103 13 10 9500 ⁽¹⁾	51,84	1108 11 00 9200	0,00
1103 13 90 9100 ⁽¹⁾	51,84	1108 11 00 9300	0,00
1103 19 10 9000	18,98	1108 12 00 9200	69,12
1103 19 30 9100	4,36	1108 12 00 9300	69,12
1103 21 00 9000	0,00	1108 13 00 9200	69,12
1103 29 20 9000	2,87	1108 13 00 9300	69,12
1104 11 90 9100	4,22	1108 19 10 9200	35,40
1104 12 90 9100	9,32	1108 19 10 9300	35,40
1104 12 90 9300	7,46	1109 00 00 9100	0,00
1104 19 10 9000	0,00	1702 30 51 9000 ⁽²⁾	67,72
1104 19 50 9110	69,12	1702 30 59 9000 ⁽²⁾	51,84
1104 19 50 9130	56,16	1702 30 91 9000	67,72
1104 21 10 9100	4,22	1702 30 99 9000	51,84
1104 21 30 9100	4,22	1702 40 90 9000	51,84
1104 21 50 9100	5,62	1702 90 50 9100	67,72
1104 21 50 9300	4,50	1702 90 50 9900	51,84
1104 22 20 9100	7,46	1702 90 75 9000	70,96
1104 22 30 9100	7,92	1702 90 79 9000	49,25
		2106 90 55 9000	51,84

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

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

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

**COMMISSION REGULATION (EC) No 1176/97
of 26 June 1997**

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

the quantity of cereal products present in the compound feedingstuff;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 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 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 26 June 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	43,20
Cereal products ⁽²⁾ excluding maize and maize products	1,41

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

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

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

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

COMMISSION REGULATION (EC) No 1177/97
of 26 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 1138/97⁽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 27 June 1997.

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

Done at Brussels, 26 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 164, 21. 6. 1997, p. 17.

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	66,63	56,63
	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 25 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	114,30	111,09	94,48	176,06 ⁽¹⁾	107,20 ⁽¹⁾
Gulf premium (ECU/tonne)	—	13,36	5,60	8,43	—	—
Great Lakes premium (ECU/tonne)	15,64	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,39 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 1178/97

of 26 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 27 June 1997.

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

Done at Brussels, 26 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 26 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
0702 00 35	066	45,6
	999	45,6
ex 0707 00 25	052	67,0
	999	67,0
0709 90 77	052	63,7
	999	63,7
0805 30 30	388	77,2
	528	64,3
	999	70,8
0808 10 61, 0808 10 63, 0808 10 69	388	87,4
	400	86,8
	508	80,9
	512	63,8
	524	75,2
	528	72,6
	804	96,0
	999	80,4
0809 10 30	052	121,4
	999	121,4
0809 20 49	052	201,2
	064	156,1
	400	233,6
	616	93,7
	999	171,2
0809 30 31, 0809 30 39	052	100,2
	999	100,2

⁽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 1179/97

of 26 June 1997

fixing the maximum export refund on wholly milled long grain rice in
connection with the invitation to tender issued in Regulation (EC) No 530/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

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

Whereas, Article 5 of Commission Regulation (EEC) No
584/75 ⁽³⁾, as last amended by Regulation (EC) No
299/95 ⁽⁴⁾, allows the Commission to fix, in accordance
with the procedure laid down in Article 22 of Regulation
(EC) No 3072/95 and on the basis of the tenders
submitted, a maximum export refund; whereas in fixing
this maximum, the criteria provided for in Article 13 of
Regulation (EC) No 3072/95 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned criteria to
the current market situation for the rice in question

results in the maximum export refund being fixed at the
amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain
rice falling within CN code 1006 30 67 to be exported to
certain third countries pursuant to the invitation to tender
issued in Regulation (EC) No 530/97 is hereby fixed on
the basis of the tenders submitted from 23 to 26 June
1997 at ECU 384 per tonne.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 82, 22. 3. 1997, p. 48.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1180/97
of 26 June 1997

**fixing the maximum export refund on wholly milled round grain rice in
connection with the invitation to tender issued in Regulation (EC) No 1629/96**

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on
rice was issued pursuant to Commission Regulation (EC)
No 1629/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No
584/75 ⁽³⁾, as last amended by Regulation (EC) No
299/95 ⁽⁴⁾, allows the Commission to fix, in accordance
with the procedure laid down in Article 22 of Regulation
(EC) No 3072/95 and on the basis of the tenders
submitted, a maximum export refund; whereas in fixing
this maximum, the criteria provided for in Article 13 of
Regulation (EC) No 3072/95 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned criteria to
the current market situation for the rice in question

results in the maximum export refund being fixed at the
amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round
grain rice to be exported to certain third countries
pursuant to the invitation to tender issued in Regulation
(EC) No 1629/96 is hereby fixed on the basis of the
tenders submitted from 23 to 26 June 1997 at ECU 315
per tonne.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 6.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1181/97

of 26 June 1997

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 1630/96

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1630/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1630/96 is hereby fixed on the basis of the tenders submitted from 23 June to 26 June 1997 at ECU 295 per tonne.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 9.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1182/97**of 26 June 1997****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 1631/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1631/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1631/96 is hereby fixed on the basis of the tenders submitted from 23 to 26 June 1997 at ECU 300 per tonne.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 12.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1183/97

of 26 June 1997

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽¹⁾, and in particular the second subparagraph of Article 13 (3) thereof,

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

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

Whereas export possibilities exist for a quantity of 5 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽²⁾, as last amended by Regulation (EC) No 932/97⁽³⁾ should be used; whereas account should be taken of this when the refunds are fixed;

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽³⁾ OJ No L 135, 27. 5. 1997, p. 2.

ANNEX

to the Commission Regulation of 26 June 1997 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 9000	01	226	1006 30 65 9900	01	283
1006 20 13 9000	01	226		04	283
1006 20 15 9000	01	226	1006 30 67 9100	—	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	226	1006 30 92 9100	01	283
1006 20 94 9000	01	226		02	289
1006 20 96 9000	01	226		03	294
1006 20 98 9000	—	—		04	283
1006 30 21 9000	01	226	1006 30 92 9900	01	283
1006 30 23 9000	01	226		04	283
1006 30 25 9000	01	226		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	283
1006 30 42 9000	01	226		02	289
1006 30 44 9000	01	226		03	294
1006 30 46 9000	01	226		04	283
1006 30 48 9000	—	—	1006 30 94 9900	01	283
1006 30 61 9100	01	283		04	283
	02	289		—	—
	03	294	1006 30 96 9100	01	283
	04	283		02	289
1006 30 61 9900	01	283		03	294
	04	283		04	283
1006 30 63 9100	01	283	1006 30 96 9900	01	283
	02	289		04	283
	03	294		—	—
	04	283	1006 30 98 9100	—	—
1006 30 63 9900	01	283	1006 30 98 9900	—	—
	04	283	1006 40 00 9000	—	—
1006 30 65 9100	01	283			
	02	289			
	03	294			
	04	283			

(1) The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87.

(2) Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 5 000 tonnes.

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

COMMISSION REGULATION (EC) No 1184/97

of 26 June 1997

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EC) No 229/96⁽⁵⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁷⁾, as last amended by Regulation (EC) No 1516/95⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 June 1997.

For the Commission

Martin BANGEMANN

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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁶⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁷⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ No L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 26 June 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	— — — —
1002 00 00	Rye	1,898
1003 00 90	Barley	0,281
1004 00 00	Oats	0,466
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	3,185 4,320 2,105 3,240 4,320 3,185 4,320
1006 20	Husked rice: — round grain — medium grain — long grain	19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	25,000 25,000 25,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	1,134 2,329 2,329

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	0,281
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1102 10 00	Rye flour	2,335
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —

(¹) As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

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

(³) For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1185/97

of 26 June 1997

amending Regulation (EC) No 677/97 limiting the term of validity of export
licences for certain products processed from cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,Having regard to Council Regulation (EEC) No 1766/92
of 30 June 1992 on the common organization of the
market in cereals⁽¹⁾, as last amended by Commission
Regulation (EC) No 923/96⁽²⁾, and in particular Article 9
thereof,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 932/97⁽⁴⁾, and in particular Article 7
(1) thereof,Whereas Commission Regulation (EC) No 677/97⁽⁵⁾ sets
30 June 1997 as the deadline;Whereas the particular characteristics at the end of the
marketing year of the markets for the products falling
under the codes concerned persist; whereas, therefore, the
measure limiting the term of validity of licences should
be maintained for a period to allow observation of the
situation during the period preceding the new harvest of
potatoes and maize;Whereas the Management Committee for Cereals has not
delivered an opinion within the time limit set by its
chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 677/97 is amended as follows:

1. Article 1 (1) is replaced by the following:

'1. Notwithstanding Article 7 (1) of Regulation (EC)
No 1162/95, export licences for products falling within
CN codes 1702 30 51, 1702 30 59, 1702 30 91,
1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75,
1702 90 79 and 2106 90 55 applied for from 27 June
1997 up to 30 September 1997 shall be valid until the
last day of the month of delivery only.'

2. The first subparagraph of Article 1 (2) is replaced by
the following:

'2. Customs export formalities for the above licences
must be completed no later than the last day of the
month of acceptance of the payment declaration.'

Article 2

This Regulation shall enter into force on 27 June 1997.

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

Done at Brussels, 26 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 117, 24. 5. 1995, p. 2.⁽⁴⁾ OJ No L 135, 27. 5. 1997, p. 2.⁽⁵⁾ OJ No L 101, 18. 4. 1997, p. 26.

COMMISSION DIRECTIVE 97/35/EC

of 18 June 1997

adapting to technical progress for the second time Council Directive 90/220/EEC
on the deliberate release into the environment of genetically modified organisms

(Text with EEA relevance)

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 20 thereof,

Whereas Annex III to Directive 90/220/EEC contains the
additional information required in the case of notification
for placing on the market of genetically modified or-
ganisms (GMOs);

Whereas on the basis of the experience gained with the
placing on the market of GMOs it is necessary to facil-
itate the gathering of data and information after the
placing on the market of products in accordance with the
Directive;

Whereas this data and information will assist the evalu-
ation of similar or more complex products to be placed
on the market and the application of control measures in
accordance with Directive 90/220/EEC;

Whereas this can be achieved by extending the informa-
tion to be provided in notifications submitted in ac-
cordance with part C of the Directive as well as on the
label of such products;

Whereas it is therefore appropriate that Annex III is
amended to include such information requirements;

Whereas the measures provided for in this Directive are
in accordance with the opinion of the Committee es-
tablished under Article 21 of Directive 90/220/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 90/220/EEC is replaced by the
Annex hereto.

Article 2

Member States shall bring into force the laws, regulations
and administrative provisions necessary to comply with
this Directive by 31 July 1997. They shall immediately
inform the Commission thereof.

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

Article 3

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

Done at Brussels, 18 June 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 15.

⁽²⁾ OJ No L 103, 22. 4. 1994, p. 20.

*ANNEX**ANNEX III***ADDITIONAL INFORMATION REQUIRED IN THE CASE OF NOTIFICATION FOR PLACING ON THE MARKET**

A. The following information shall be provided in the notification for placing on the market of products, in addition to that of Annex II:

1. name of the product and names of GMOs contained therein;
2. name of the manufacturer or distributor and his address in the Community;
3. specificity of the product, exact conditions of use including, when appropriate, the type of environment and/or the geographical area(s) of the Community for which the product is suited;
4. type of expected use: industry, agriculture and skilled trades, consumer use by public at large;
5. information relating to the introduced genetic modification which could be of relevance to the establishment of a possible register of modifications introduced in organisms (species). This may include nucleotide sequences or other type of information which is relevant to the inclusion in such a register.

B. The following information shall be provided, when relevant, in addition to that of point A, in accordance with Article 11 of this Directive:

1. measures to take in case of unintended release or misuse;
2. specific instructions or recommendations for storage and handling;
3. estimated production in and/or imports to the Community;
4. proposed packaging. This must be appropriate so as to avoid unintended release of the GMOs during storage, or at a later stage;
5. proposed labelling. This must include, at least in summarized form, the information referred to in points A.1, A.2, A.3, B.1 and B.2.

C. The following information shall be provided in the notification, in accordance with Article 11 of this Directive:

Proposed labelling. This must include in a label or an accompanying document an indication that the product contains, or consists of genetically modified organisms. In the case of products to be placed on the market in mixtures with non-genetically modified organisms, information on the possibility that the genetically modified organisms may be present, is sufficient.

COMMISSION DIRECTIVE 97/37/EC

of 19 June 1997

adapting to technical progress Annexes I and II to Directive 96/74/EC of the European Parliament and of the Council on textile names

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on textile names⁽¹⁾, and in particular Article 16 (1) thereof,

Whereas textile products may only be placed on the market within the Community if they satisfy the provisions of the said Directive;

Whereas this Directive on textile names provides for labelling or marking or indicating the name of the textile fibres in products, in order to ensure that consumer interests are protected by correct information;

Whereas only the textile fibres listed in Annex I to said Directive may be used in the composition of textile products intended for the Community's internal market; whereas it is necessary to adapt to technical progress the Annexes containing the list of fibres in order to insert the new fibres which have appeared since the last amendment to the Directive;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee for Directives relating to Textile Names and Labelling,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 96/74/EC is hereby amended as follows:

1. No 2 is amended as follows:

- in the column 'Name', the word 'Cashgora' is inserted after 'guanaco',
- in the column 'Fibre description', the words 'cashgora goat' (a cross between the kashmir goat and the angora goat) are added after the word 'guanaco'.

2. No 30 is amended as follows:

- the text in the column 'Name' reads 'Polyamide or nylon',
- the description of the fibres is replaced by the following text:

'Fibre formed from synthetic linear macromolecules having in the chain recurring amide linkages of which at least 85 % are joined to aliphatic or cycloaliphatic units'.

3. Nos 31 to 41 now read 34 to 44.

4. A new No 31 is added:

- the text in the column 'Name' reads 'Aramid',
- the text in the column 'Fibre description' reads:

'Fibre formed from synthetic linear macromolecules made up of aromatic groups joined by amide or imide linkages, of which at least 85 % are joined directly to two aromatic rings and with the number of imide linkages, if the latter are present, not exceeding the number of amide linkages'.

5. A new No 32 is added:

- the text in the column 'Name' reads 'Polyimide',
- the text in the column 'Fibre description' reads:

'Fibre formed from synthetic linear macromolecules having in the chain recurring imide units'.

6. A new No 33 is added:

- the text in the column 'Name' reads 'Lyocell',
- the text in the column 'Fibre description' reads:

'A regenerated cellulose fibre obtained by dissolution, and an organic solvent spinning process, without formation of derivatives',
- a reference to the footnote is added after the text in the column 'Name'. The footnote reads:

'It is understood that an "organic solvent" means essentially a mixture of organic chemicals and water'.

⁽¹⁾ OJ No L 32, 3. 2. 1997, p. 38.

7. Consequently, No 22 is amended as follows:

the description is replaced by the following text:

'A regenerated cellulose fibre obtained by a modified viscose process having a high breaking force and high wet modulus. The breaking force (B_c) in the conditioned state and the force (B_M) required to produce an elongation of 5 % in the wet state are:

$$B_c \text{ (CN)} \geq 1,3 \sqrt{T} + 2 T$$

$$B_M \text{ (CN)} \geq 0,5 \sqrt{T}$$

where T is the mean linear density in decitex'.

Article 2

Annex II to Directive 96/74/EEC is amended as follows:

1. Nos 31 to 41 read 34 to 44

2. A new number 31 is added:

the text in the Fibres and Percentages columns reads:

'Aramid		8,00'
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3. A new number 32 is added:

the text in the Fibres and Percentages columns reads:

'Polyimide		3,50'
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4. A new number 33 is added:

the text in the Fibres and Percentages columns reads:

'Lyocell		13,00'
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Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with the Annex to Directive 96/74/EC by 1 June 1998 at the latest.

They shall immediately inform the Commission thereof.

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

2. Member States shall forward to the Commission the text of the main provisions of domestic law which they adopt in the subject area governed by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 June 1997.

For the Commission

Emma BONINO

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 2 June 1997

concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation adding to the Agreement between the European Economic Community and the Swiss Confederation a protocol on mutual administrative assistance in customs matters

(97/403/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) thereof,

Having regard to the proposal from the Commission,

Whereas, for mutual administrative assistance in customs matters to take place between the two parties, it appears necessary to add a protocol to the Agreement between the European Economic Community and the Swiss Confederation⁽¹⁾;

Whereas negotiations to that effect have taken place with the Swiss Confederation and have led to an Agreement in the form of an Exchange of Letters which it is in the Community's interest to approve,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation, adding to the Agreement between the European Economic Community and the Swiss Confederation a protocol on mutual administrative assistance in customs matters is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

If the Agreement in the form of an Exchange of Letters has not entered into force on 1 July 1997, it will be applied provisionally as from that date.

Article 2

The President of the Council is hereby authorized to designate the persons authorized to sign the Agreement in the form of an Exchange of Letters referred to in Article 1.

Article 3

The President of the Council shall, on behalf of the Community, give the notification provided for by the Agreement in the form of an Exchange of Letters⁽²⁾.

Article 4

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

Done at Luxembourg, 2 June 1997.

For the Council

The President

H. VAN MIERLO

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 189.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities*.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
between the European Community and the Swiss Confederation adding to the Agree-
ment between the European Economic Community and the Swiss Confederation a
protocol on mutual administrative assistance in customs matters

A. Letter from the European Community

Brussels, 9 June 1997

Sir,

I have the honour to refer to the negotiations between representatives of the European Community and the Swiss Confederation with a view to concluding an agreement on mutual administrative assistance in customs matters adding a protocol relating thereto to the Agreement of 22 July 1972.

This additional protocol, the text of which is attached, will form an integral part of the agreement of 22 July 1972 and will enter into force on the first day of the second month following the date of notification that the necessary procedures have been accomplished. Pending the accomplishment of those procedures, it shall apply provisionally from 1 July 1997.

I should be grateful if you would confirm the agreement of the Swiss Confederation to the foregoing.

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

On behalf of the European Community

B. Letter from the Swiss Confederation

Berne, 9 June 1997

Sir,

I have the honour to acknowledge receipt of your letter of today's date with the following content:

'I have the honour to refer to the negotiations between representatives of the European Community and the Swiss Confederation with a view to concluding an agreement on mutual administrative assistance in customs matters adding a protocol relating thereto to the Agreement of 22 July 1972.

This additional protocol, the text of which is attached, will form an integral part of the agreement of 22 July 1972 and will enter into force on the first day of the second month following the date of notification that the necessary procedures have been accomplished. Pending the accomplishment of those procedures, it shall apply provisionally from 1 July 1997.

I should be grateful if you would confirm the agreement of the Swiss Confederation to the foregoing.'

I can confirm the agreement of the Swiss Confederation to the foregoing.

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

On behalf of the Swiss Confederation

Hecho en Luxemburgo, el nueve de junio de mil novecientos noventa y siete.

Udfærdiget i Luxembourg den niende juni nitten hundrede og syvoghalvfems.

Geschehen zu Luxemburg am neunten Juni neunzehnhundertsiebenundneunzig.

Έγινε στο Λουξεμβούργο, στις εννέα Ιουνίου χίλια εννιακόσια ενενήντα επτά.

Done at Luxembourg on the ninth day of June in the year one thousand nine hundred and ninety-seven.

Fait à Luxembourg, le neuf juin mil neuf cent quatre-vingt-dix-sept.

Fatto a Lussemburgo, addì nove giugno millenovecentonovantasette.

Gedaan te Luxemburg, de negende juni negentienhonderd zevenennegentig.

Feito no Luxemburgo, em nove de Junho de mil novecentos e noventa e sete.

Tehty Luxemburgissa yhdeksäntenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Luxemburg den nionde juni nittonhundranittiosju.

En nombre de la Comunidad Europea

På vegne af Det Europæiske Fællesskab

Im Namen der Europäischen Gemeinschaft

Εξ ονόματος της Ευρωπαϊκής Κοινότητας

On behalf of the European Community

Au nom de la Communauté européenne

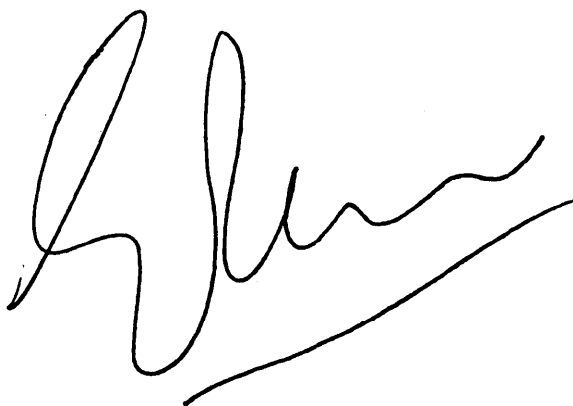
A nome della Comunità europea

Namens de Europese Gemeenschap

Em nome da Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

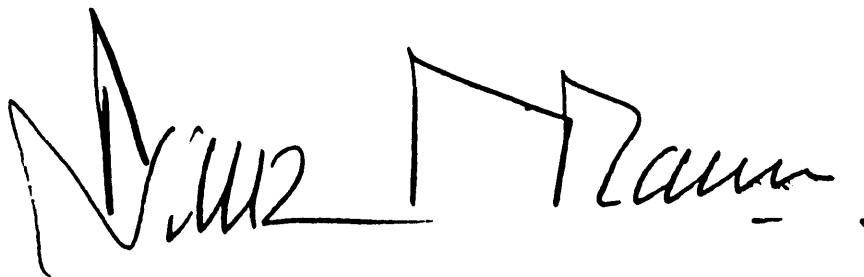


Hans Hart

Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera



ADDITIONAL PROTOCOL

on mutual administrative assistance in customs matters

Article 1

Definitions

For the purposes of this Protocol:

- (a) 'goods' shall mean all goods falling within Chapters 1 to 97 of the Harmonized System, irrespective of the scope of the Agreement of 22 July 1972;
- (b) 'customs legislation' shall mean any legal or regulatory provision adopted by the European Community or by the Swiss Confederation governing the import, export, and transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control;
- (c) 'applicant authority' shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;
- (d) 'requested authority' shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which receives a request for assistance in customs matters;
- (e) 'breaches of customs legislation' shall mean any violation or attempted violation of that legislation.

Article 2

Scope

1. The Contracting Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, in ensuring that the customs legislation is correctly applied, in particular by the prevention, detection and investigation of operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the provisions governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, except where the said authorities agree that it should.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant infor-

mation which may enable it to ensure correct compliance with customs legislation, including information regarding operations noted or planned which are, or might be, in breach of such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, take the necessary steps to ensure surveillance of:

- (a) natural or legal persons with regard to whom there are reasonable grounds for believing that they are, or have been, in breach of customs legislation;
- (b) places where goods are stored in a way that gives reasonable grounds for suspecting that they are intended to supply operations in breach of customs legislation;
- (c) movements of goods notified as possibly giving rise to breaches of customs legislation;
- (d) means of transport for which there are reasonable grounds for believing that they have been, are or may be, used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Contracting Parties shall provide each other, at their own initiative and in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which are, or appear to them to be, in breach of such legislation and which may be of interest to the other Contracting Party,
- new means or methods employed in carrying out such operations,
- goods known to be subject to breaches of customs legislation,

- natural or legal persons with regard to whom there are reasonable grounds for believing that they are, or have been, in breach of customs legislation,
- means of transport for which there are reasonable grounds for believing that they have been, are or may be, used in operations in breach of customs legislation.

Article 5

Delivery/notification

At the request of the applicant authority, the requested authority shall, in accordance with its legislation, take all necessary measures in order:

- to deliver all documents,
- to notify all decisions, as well as any other relevant act which forms part of the procedure in question,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case, Article 6 (3) shall apply to the request for delivery or notification.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents deemed necessary to enable the request to be complied with. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

- (a) the applicant authority making the request;
- (b) the measure requested;
- (c) the object of, and reason for, the request;
- (d) the laws, rules and other legal elements involved;
- (e) details which are as accurate and comprehensive as possible on the natural or legal persons who are the target of the investigations;
- (f) a summary of the relevant facts and enquiries already carried out, except in cases provided for in Article 5.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority.

4. If a request does not meet the formal requirements, its correction or supplementation may be requested; precautionary measures may, however, be ordered.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to the administrative department to which the request has been addressed by the requested authority when the latter cannot act on its own.

2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Contracting Party.

3. Duly authorized officials of a Contracting Party may, with the agreement of the other Contracting Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are, or may be, in breach of customs legislation which the applicant authority needs, in the context of an enquiry, for the purposes of this Protocol.

4. Officials of a Contracting Party may, with the agreement of the other Contracting Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.

2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

Article 9

Exceptions to the obligation to provide assistance

1. The Contracting Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

- (a) be likely to prejudice the sovereignty of the Swiss Confederation or that of a Member State of the Community which has been asked to provide assistance pursuant to this Protocol; or

- (b) be likely to prejudice public policy, their security or other essential interests, in particular in the cases referred to within the meaning of Article 10 (2); or
- (c) involve tax or currency regulations other than customs legislation; or
- (d) involve the violation of an industrial, commercial or professional secret.

2. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

3. If assistance is refused, the decision and the reasons therefor must be notified to the application authority without delay.

Article 10

Confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws applicable in the territory of the Contracting Party which received it and the corresponding provisions applying to the Community institutions.

2. Personal data, namely all information relating to an identified or identifiable individual, may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.

Article 11

Use of information

1. Information obtained shall be used solely for the purposes of this Protocol. 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. Such use shall then be subject to any restrictions laid down by that authority.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings instituted for

failure to comply with customs legislation. The competent authority which supplied that information shall be notified of such use without delay.

3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

Article 12

Experts and witnesses

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of the other Contracting Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

Article 13

Assistance expenses

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not public service employees.

Article 14

Application

1. The application of this Protocol shall be entrusted to the customs authorities of the Swiss Confederation on the one hand and the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the European Community on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in the field of data protection.

2. The Contracting Parties shall consult each other and keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol. In particular, they shall exchange the list of competent authorities authorized to intervene pursuant to this Protocol.

JOINT DECLARATION

The parties agree that a working group should be created by the Joint Committee to assist it in the management of the Protocol on mutual administrative assistance.

COMMISSION

COMMISSION DECISION

of 10 June 1997

setting up a Scientific Steering Committee

(97/404/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

Whereas sound scientific advice is an essential basis for Community rules on consumer health, including matters on consumer health in its strictest sense, but also on animal health and welfare, plant health and environmental health;

Whereas scientific advice on consumer health matters is currently provided by six scientific committees set up by the Commission and addressing the topics of food, animal nutrition, cosmetology, pesticides, toxicity and ecotoxicity, and veterinary matters;

Whereas several issues relating to consumer health are of a multidisciplinary nature and require input from various scientific committees which would benefit from an effective coordination;

Whereas the Commission must be able to obtain sound and timely scientific advice;

Whereas scientific advice on matters relating to consumer health must, in the interests of consumers and industry, be based on the principles of excellence, independence and transparency,

HAS ADOPTED THIS DECISION:

Article 1

A Scientific Steering Committee (hereinafter called 'SSC') in the field of consumer health and food safety is hereby established.

1. The SSC shall assist the Commission to obtain the best scientific advice available on matters relating to consumer health.

2. The SSC shall coordinate the work of the scientific committees set up by the Commission to address matters of consumer health, in particular:

- (a) the SSC shall evaluate and monitor the working procedures used by the scientific committees and will harmonize them when necessary;
- (b) for matters which require consultation of two or more scientific committees, the SSC shall identify those scientific committees which should be involved, taking account of compulsory consultation requirements, shall consider opinions issued by the different committees and may, in case of substantial differences of opinions, provide an overall view;
- (c) when Community measures are based on the evaluation carried out by scientists from organizations in the Member States, the SSC shall assist the Commission, on the latter's request, in assessing if scientific advice at Community level is needed, and if so, in determining which scientific committee is to provide it.

3. The SSC shall, in the area of consumer health:

- (a) deliver scientific advice only on matters which are not covered by the mandates of the other scientific committees. It shall prepare this advice following a request from the Commission and relying on the most appropriate scientific expertise;
- (b) specifically deliver scientific advice on multidisciplinary aspects of transmissible spongiform encephalopathies, including bovine spongiform encephalopathy. To this end it shall create an *ad hoc* group which shall be chaired by a member of the SSC and may include external experts;

- (c) assist the Commission with the identification of those areas where compulsory consultation of the scientific committees could be appropriate;
- (d) arrange for the review of existing and newly developed risk assessment procedures and, where appropriate, propose the development of new risk assessment procedures relating to areas such as, for example, food-borne diseases and the transmissibility of animal diseases to man;
- (e) draw the attention of the Commission to any specific or emerging consumer health problem.

4. Those members of the SSC who are not chairpersons of scientific committees shall contribute to the selection of the members of the scientific committees by advising the Commission as to the excellence and independence of the candidates.

5. The Commission may, when requesting an output from the SSC, ask for a deadline for its delivery to be adhered to.

Article 3

1. The SSC shall be composed of eight scientific experts not being members of any other scientific committee, and the chairpersons of the scientific committees. The latter may, should they not be able to participate in a meeting of the SSC, be replaced by one of the vice-chairpersons of their scientific committee.

2. The full SSC will elect by simple majority one chairperson and two vice-chairpersons from amongst its members who are not chairpersons of scientific committees.

3. The members of the SSC shall be scientific experts in one or more fields of consumer health, collectively covering the widest possible range of scientific disciplines relating to this subject.

4. The members of the SSC who are not chairpersons of scientific committees, shall be nominated by the Commission following publication in the *Official Journal of the European Communities* of a call for expressions of interest, together with the selection criteria and a description of the selection procedure. The selection procedure shall identify in a transparent manner the most suitable candidates for working in the SSC. From these the Commission shall nominate the members of the SSC not being chairpersons of scientific committees. The names of the members of the SSC shall be published in the Official Journal.

5. The term of office of members of the SSC not being chairpersons of scientific committees shall be three years. Those members of the SSC may not serve more than two consecutive terms of office. After the period of three years

they shall remain in office until their replacement or the renewal of their mandate.

6. In the event that a member of the SSC not being a chairperson of a scientific committee is no longer able to contribute effectively to the work of the SSC, or in the case of his/her voluntary resignation, the Commission shall nominate an appropriate replacement for the remaining term of office, drawn from the most suitable candidates identified in accordance with paragraph 4.

7. Members of the SSC, and external experts invited to contribute to its work, shall receive an indemnity for the service they provide to the Commission in addition to the reimbursement of travel and subsistence expenses, in accordance with the rules laid down by the Commission.

Article 4

1. Members of the SSC shall act independently of external influences in their capacity as members of the SSC.

2. Members of the SSC shall inform the Commission annually of any interests which might be perceived as prejudicial to their independence.

3. Members of the SSC and external experts shall declare specific interests which might be perceived as prejudicial to their independence with regard to the work of the SSC, its working groups or its *ad hoc* group.

Article 5

The SSC may create specific working groups with clearly defined mandates. Each working group shall be chaired by a member of the committee and may include external experts. The working groups shall report to the SSC.

Article 6

1. The SSC shall adopt its rules of procedure which shall be made publicly available.

2. The rules shall ensure that:

- (a) the tasks of the SSC are completed in a manner which satisfies the principles of excellence, independence and transparency, while respecting legitimate requests for commercial confidentiality;
- (b) the coordination of the work of the scientific committees is carried out in an efficient and flexible manner, in particular by a timely reporting of the chairpersons on the workplans of the scientific committees;
- (c) the SSC provides opinions and other scientific advice in good time;
- (d) the SSC may appoint rapporteurs for the preparation of background information and documentation and the drafting of its opinions;

(e) the SSC verifies that appointed rapporteurs can carry out their specific tasks as independently as possible from all external influences.

Article 7

The agenda, minutes and opinions of the SSC shall be made publicly available without undue delay and with regard being had to the need to respect commercial confidentiality. Minority views shall always be included and shall be attributed to Members only at their request.

Article 8

Without prejudice to Article 214 of the Treaty, members shall be obliged not to divulge information which they acquire as a result of the work of the SSC or one of its

working groups when they are informed that this information is subject to a request for confidentiality.

Article 9

The Commission shall provide the secretariat for the SSC, its working groups and its *ad hoc* group.

Done at Brussels, 10 June 1997.

For the Commission

Emma BONINO

Member of the Commission

COMMISSION DECISION

of 18 June 1997

authorizing the Member States to permit temporarily the marketing of seed of field bean (*Vicia faba*) not satisfying the requirements of Council Directive 66/401/EEC

(97/405/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 96/72/EC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by Finland,

Whereas in Finland the production of seed of the category 'certified seed' of certain varieties of field bean (*Vicia faba*) satisfying the requirements of the said Directive in relation to the minimum germination capacity has been insufficient in 1996 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas Finland should therefore be authorized to permit for a period expiring on 30 June 1997 the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States which are able to supply Finland with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorized to permit, for a period expiring on 30 June 1997, the marketing in its territory of a

maximum of 38 tonnes of seed of the category 'certified seed' of varieties of the type 'Ukko' of field bean (*Vicia faba*) which do not satisfy the requirements laid down in Directive 66/401/EEC with regard to the minimum germination capacity, provided that the following requirements are satisfied:

- (a) the germination capacity is at least 69 % of pure seed;
- (b) the official label shall bear the endorsement 'minimum germination capacity 69 %'.

Article 2

Member States other than the applicant Member State are also authorized to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territory of the seed authorized to be marketed pursuant to this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of the various quantities of seed labelled and permitted to be marketed in their territory pursuant to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 304, 27. 11. 1996, p. 10.

COMMISSION DECISION

of 18 June 1997

authorizing the Member States to permit temporarily the marketing of seed of oats (*Avena sativa*) and barley (*Hordeum vulgare*) not satisfying the requirements of Council Directive 66/402/EEC

(97/406/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Directive 96/72/EC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by Finland,

Whereas in Finland the production of seed of certain varieties of oats (*Avena sativa*) and barley (*Hordeum vulgare*) satisfying the requirements of the said Directive in relation to the maximum number of generations of 'certified seed' provided in the said Directive has been insufficient in 1996 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas Finland should therefore be authorized to permit for a period expiring on 30 June 1997 the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States which are able to supply Finland with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorized to permit, for a period expiring on 30 June 1997, the marketing in its territory of a

maximum of 1 900 tonnes of 'certified seed' of oats (*Avena sativa*) of varieties of the type 'Veli' or 'Yty' as well as 3 000 tonnes of 'certified seed' of barley (*Hordeum vulgare*) of varieties of the type 'Arra' or 'Kalle' which do not satisfy the requirements laid down in Directive 66/402/EEC with regard to the maximum number of generations, provided that the following requirements are satisfied:

- (a) the seed is certified seed of the third generation;
- (b) the official label shall bear the endorsement 'seed of the third generation'.

Article 2

Member States other than the applicant Member State are also authorized to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territory of the seed authorized to be marketed pursuant to this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of the various quantities of seed labelled and permitted to be marketed in their territory pursuant to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 304, 27. 11. 1996, p. 10.

COMMISSION DECISION

of 18 June 1997

establishing deadlines for the communication of the results of the 1997 farm structure surveys to the Statistical Office of the European Communities

(Text with EEA relevance)

(97/407/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organization of Community surveys on the structure of agricultural holdings⁽¹⁾, as last amended by Regulation (EC) No 2467/96⁽²⁾, and in particular point 5 of Annex II thereto,

Whereas point 5 of Annex II to Regulation (EEC) No 571/88 requires time limits for the communication of individual data to the Statistical Office of the European Communities by the Member States to be established in accordance with the procedure laid down in Article 15 of the said Regulation and whereas the uniform code to be used will be specified by the Statistical Office of the European Communities in agreement with the Member States;

Whereas according to point 6 of Annex II, Germany will not forward individual data; but is obliged to supply the survey results in the form of the tables intended for the BDT tabular data bank;

Whereas the importance of the structure survey results for the common agricultural policy and the growing demand for up-to-date data make it necessary to carry out the computer processing of the survey data and communication thereof to the Statistical Office of the European Communities as quickly as possible;

Whereas the deadlines to be fixed for the communication of survey results to the Statistical Office of the European Communities must take into account the fact that the timetable for carrying out the surveys' work is different between Member States;

Whereas the measures provided for in this Decision reflect the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall communicate to the Statistical Office of the European Communities the individual data from the surveys on the structure of agricultural

holdings carried out pursuant to Article 3 (e) of Council Regulation (EEC) No 571/88, using a uniform code specified by the Statistical Office of the European Communities in agreement with the Member States.

2. According to point 6 of Annex II to Regulation (EEC) No 571/88, Germany shall communicate to the Statistical Office of the European Communities the survey results of the surveys mentioned in paragraph 1 in the form of the tables intended for the BDT tabular data bank using a code specified by the Statistical Office of the European Communities in agreement with the 'Statistisches Bundesamt'.

Article 2

Member States shall communicate the results of the 1997 structure surveys, mentioned at Article 1 of the present Decision, within 13 months of the finish of the data collection in the field and taking into account the time-tables envisaged by Member States for the execution of the survey work, not later than the following deadlines:

Member State	Deadline for communicating the data
Belgium	31. 12. 1998
Denmark	31. 7. 1998
Germany	30. 11. 1998
Greece	31. 12. 1998
Spain	31. 12. 1998
France	31. 12. 1998
Ireland	31. 9. 1998
Italy	31. 12. 1998
Luxembourg	31. 7. 1998
Netherlands	31. 7. 1998
Austria	30. 9. 1998
Portugal	31. 12. 1998
Finland	31. 7. 1998
Sweden	31. 7. 1998
United Kingdom	30. 9. 1998

⁽¹⁾ OJ No L 56, 2. 3. 1988, p. 1.

⁽²⁾ OJ No L 335, 24. 12. 1996, p. 3.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 June 1997.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission
