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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1255/97
of 25 June 1997
concerning Community criteria for staging points and amending the route plan
referred to in the Annex to Directive 91/628/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC⁽¹⁾, and in particular Article 13 (2) and Article 14 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 91/628/EEC lays down, in order to improve the welfare of certain categories of transported animals, requirements concerning maximum journey times after which the animals are to be unloaded, fed and watered and rested for at least 24 hours before travelling further;

Whereas such obligatory breaks in the long-distance transport of animals will take place at staging points;

Whereas it is necessary to lay down criteria applicable throughout the Community to be met by staging points so as to ensure the optimum welfare conditions for the animals passing through them and also to provide for certain incidental animal health matters;

Whereas, in order to facilitate the control of the operation of staging points and the vehicles and animals passing through them, it is necessary to provide for the keeping of records and certain other administrative matters;

Whereas, in order to guarantee that the animals transported continue their journey under optimum welfare conditions, the competent authority should ascertain that they are fit to do so;

Whereas, pending measures aimed at charging a Community fee for expenditure incurred by veterinary checks to ascertain whether animals are fit to continue their journey, it should be stipulated that Member States may, in compliance with the general rules of the Treaty, charge such expenditure to the operator concerned;

Whereas to ensure compliance with certain rules applicable to staging posts, the route plan referred to in Chapter VIII of the Annex to Directive 91/628/EEC should be adjusted to the new provisions;

Whereas it is important to establish as a first step the rules for staging points accommodating domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species;

Whereas the Scientific Veterinary Committee has recommended certain minimum requirements for staging points, which have been taken into account,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply only to staging points accommodating for at least 24 hours domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species in the Community in accordance with Chapter VII of the Annex to Directive 91/628/EEC and without prejudice to Directives 64/432/EEC⁽²⁾, 80/213/EEC⁽³⁾, 85/511/EEC⁽⁴⁾, 89/608/EEC⁽⁵⁾, 90/425/EEC⁽⁶⁾, 90/426/EEC⁽⁷⁾, 91/68/EEC⁽⁸⁾, 91/496/EEC⁽⁹⁾, 92/102/EEC⁽¹⁰⁾ and 93/119/EC⁽¹¹⁾.

⁽²⁾ OJ No L 121, 29. 7. 1964, p. 1977/64. Directive as last amended by Directive 95/29/EC.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 1.

⁽⁴⁾ OJ No L 315, 26. 11. 1985, p. 11. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 34.

⁽⁶⁾ OJ No L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ No L 62, 15. 3. 1993, p. 49).

⁽⁷⁾ OJ No L 224, 18. 8. 1990, p. 42. Directive as last amended by the 1994 Act of Accession.

⁽⁸⁾ OJ No L 46, 19. 2. 1991, p. 19. Directive as last amended by Decision 94/953/EC (OJ No L 371, 31. 12. 1994, p. 14).

⁽⁹⁾ OJ No L 268, 24. 9. 1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ No L 162, 1. 7. 1996, p. 1).

⁽¹⁰⁾ OJ No L 355, 5. 12. 1992, p. 32. Directive as last amended by the 1994 Act of Accession.

⁽¹¹⁾ OJ No L 340, 31. 12. 1993, p. 21.

⁽¹⁾ OJ No L 340, 11. 12. 1991, p. 17. Directive as last amended by Directive 95/29/EC (OJ No L 148, 30. 6. 1995, p. 52).

2. The staging points referred to in paragraph 1 shall comply with the Community criteria laid down in this Regulation.

Article 2

For the purposes of this Regulation, the definitions in Article 2 of Directives 64/432/EEC, 90/425/EEC, 91/496/EEC and 91/628/EEC shall apply as necessary.

Article 3

1. Member States shall ensure that staging points are approved by the competent authority of the Member State in whose territory they are situated.

2. For the purpose of such approval, the competent authority as defined in Article 2 (6) of Directive 90/425/EEC shall ensure that staging points fulfil all the requirements in Annex I to this Regulation; in addition, such staging points shall:

- (a) be located in an area which is not subject to prohibition or restrictions in accordance with relevant Community legislation;
- (b) be under the control of an official veterinarian who shall ensure, *inter alia*, compliance with the provisions of this Regulation;
- (c) operate in compliance with all the relevant Community rules regarding animal health, the movement of animals and the protection of animals at the time of slaughter;
- (d) undergo regular inspection to ascertain that the requirements for approval continue to be fulfilled.

3. The competent authority shall issue an approval number to each staging point. Such approval may be limited to a particular species or to certain categories of animal and health status. The competent authority shall notify the Commission of the list of approved staging points and any updates. The Commission shall present this information to Member States in the framework of the Standing Veterinary Committee.

4. The competent authority may withdraw or suspend approval in the event of failure to comply with this Article or other relevant provisions of this Regulation, in the event of a change in the health status of the area in which the staging point is located, or in the event of breach of the rules on animal welfare. Approval may be restored when the competent authority is satisfied that the staging point is once more in compliance with all the provisions of this Regulation.

Article 4

1. Staging points shall be used exclusively to receive, feed, water, rest, accommodate, care for and dispatch animals passing through.

2. However, by way of derogation from paragraph 1 of this Article, Member States may also approve as staging points assembly centres as defined in Article 2 (o) of Directive 64/432/EEC provided that they comply with the following when used as staging points:

- (a) they satisfy the relevant requirements of Article 11 of Directive 64/432/EEC and the requirements of this Regulation;
- (b) the use of such facilities is exclusively reserved for this purpose during the period concerned;
- (c) they are not used for the purchase or sale of animals covered by this Regulation.

3. Only animals of the same certified health status belonging to the species concerned and for which the staging points are approved may be present at the same time at staging points in order not to jeopardize the animals' health status.

Article 5

The owner or any natural or legal person running a staging point shall be responsible for compliance with the relevant provisions of this Regulation and, to that end, shall be obliged:

- (a) to admit only those animals which have been certified or identified in accordance with the relevant Community legislation, with particular reference to the provisions referred to in Article 3 (3). For this purpose, he shall check or have others check the health or other accompanying documents belonging to the species or categories concerned and randomly check and identification marks on the animals;
- (b) to ensure that, without prejudice to the provisions of point B.3 of Annex I, animals at staging points are kept in the same groups in which they were originally dispatched and that each consignment of animals is accommodated in entirely separate facilities, managed in accordance with the official veterinarian's requirements, in order to avoid any contact that might jeopardize the animals' health status;
- (c) to ensure that the animals staying at staging points are fed and watered at the right time according to the species involved and to provide for this purpose appropriate quantities of feeding stuffs and liquids;

- (d) to care for the animals staying at staging points and, where required, take all necessary steps to guarantee their welfare and compliance with animal-health requirements;
- (e) to call a veterinarian should the need arise
 - to give the appropriate treatment to animals that become sick or injured while under his responsibility and
 - where necessary, to have such animals slaughtered, killed or put down in accordance with Directive 93/119/EC;
- (f) to use staff who possess the appropriate ability, knowledge and professional competence and have for that purpose received specific training either within the undertaking or from a training body or have equivalent practical experience qualifying them to handle and, if necessary, administer appropriate care to the animals concerned;
- (g) to take the necessary steps to ensure that all those handling animals at staging points comply with the relevant animal-welfare provisions;
- (h) to keep a record or database of the information set out in point C.7 of Annex I, to store it and hold it at the disposal of the competent authority for at least three years;
- (i) to inform the competent authority at the earliest opportunity of any perceived irregularities.

Article 6

1. Before the animals leave the staging point, the official veterinarian or any veterinarian designated for this purpose by the competent authority shall confirm on the route plan adjusted to that end in accordance with Annex II that the animals are fit to continue their journey.

Member States may stipulate that expenditure incurred as a result of the veterinary check shall be borne by the operator concerned.

2. The rules relating to the exchange of messages between authorities to comply with the requirements of this Regulation shall be laid down in accordance with the procedure laid down in Article 6 (3) of Directive 91/628/EEC.

Article 7

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

It shall apply as from 1 January 1999.

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

ANNEX I

COMMUNITY CRITERIA FOR STAGING POINTS

A. HEALTH AND HYGIENE MEASURES

1. Every staging point must
 - (a) have suitable equipment for cleansing and disinfecting all buildings, equipment, facilities and vehicles;
 - (b) be built from materials that can easily be properly cleansed and disinfected;
 - (c) be cleansed and disinfected before and after each use, as required by the official veterinarian.
2. The person in charge of the staging point shall provide clean equipment and protective clothes which shall be kept exclusively for the use of any persons entering the staging point, and make available suitable equipment for cleansing and disinfecting the above items.
3. Bedding material shall be removed when a consignment of animals is moved from an enclosure and, after the cleansing and disinfecting operations provided for in point 1 (c), shall be replaced by fresh bedding.
4. Staging points shall be completely cleared of animals for a period of at least 24 hours after a maximum of 6 days' use and after cleansing and disinfecting operations have been carried out, and prior to the arrival of any new consignment.

B. CONSTRUCTION AND FACILITIES

1. In addition to the provisions of Chapter 1.A (4) of the Annex to Directive 91/628/EEC applying to means of transport for loading and unloading animals, every staging point must have suitable equipment and facilities available for the purpose of loading and unloading animals from the means of transport. In particular, such equipment and facilities must have a non-slip floor covering and, if necessary, be provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railings or some other means of protection to prevent animals falling off them. Loading and unloading ramps should have the minimum possible incline. Passageways must have floor coverings which minimize the risk of slipping and be so constructed as to minimize the risk of injury to animals. Particular care must be taken to ensure that no appreciable gap or step is allowed between the vehicle floor and the ramp or the ramp and the floor of the unloading area requiring animals to jump or likely to cause them to slip or stumble.

As from 1 July 1999, all staging points shall be permanently equipped with a sufficient number of permanent or movable ramps which shall be constructed and used in such a way that animals shall not be required to walk up or down an incline exceeding 20° during loading and unloading.

2. All facilities used for accommodating animals at staging points shall:
 - (a) have floor coverings which minimize the risk of slipping and do not cause injury to animals;
 - (b) have roofs and adequate side protection to protect the animals from adverse weather conditions;
 - (c) have suitable facilities for holding, inspecting, examining where necessary, feeding and watering the animals and storing feedingsuffs;
 - (d) taking holding capacity into account, have adequate ventilation and drainage for the species of animal accommodated;
 - (e) have natural or artificial lighting at a level sufficient to permit inspection of all animals at any time. If necessary, adequate backup lighting should be available;
 - (f) have equipment for tethering animals which need to be tethered. Such tethering shall be carried out in a way which does not cause pain or suffering to the animals and permits them to feed, drink or lie down without difficulty;
 - (g) have, in relation to the species concerned, sufficient space for the animals to lie down at the same time and make their way easily to their drinking and feeding points;
 - (h) have adequate supplies of bedding material. Such material shall be placed in each enclosure according to the needs of each species or category of animal accommodated;
 - (i) be constructed and maintained in such a way as to avoid the animals coming into contact with any sharp or dangerous object or damaged surface which could cause them injury.
3. Staging points shall have suitable facilities for the separate accommodation of animals which are diseased, injured or in need of individual attention.

4. Staging points shall have suitable facilities for all persons having business on and using the premises.
5. Staging points shall have appropriate arrangements for the storage and disposal of waste material and for the storage of dead animals, pending their removal and destruction in accordance with Directive 90/667/EEC⁽¹⁾.

C. OPERATIONS

1. Animals shall be unloaded without delay after arrival. If delay is unavoidable, however, taking account of weather conditions and waiting periods, the animals should be guaranteed the best possible welfare conditions.
2. During loading and unloading, care must be taken not to frighten, excite or mistreat the animals, and to ensure that they are not knocked over. Animals must be neither lifted nor dragged by the head, horns, ears, feet, tail or fleece or handled in such a way as to cause them unnecessary pain or suffering. When necessary, they must be led individually.
3. For the movement of animals throughout the facilities:
 - (a) mobile passageways must be arranged so as to exploit the gregarious tendencies of animals;
 - (b) instruments intended for guiding animals must be used solely for that purpose. Use of instruments which administer electric shocks should be avoided as far as possible and in any case may be used only for adult bovine animals and pigs which refuse to move, on condition that the shocks last no more than two seconds, are adequately spaced and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters;
 - (c) animals must not be struck, nor shall pressure be applied to any particularly sensitive part of the body. In particular, animals' tails must not be crushed, twisted or broken and their eyes must not be grasped. Animals must not be punched or kicked;
 - (d) persons handling animals at the staging point must not have possession of or use prods or other implements with pointed ends. Sticks or other implements intended for guiding animals may be used provided they can be applied to the body of an animal without causing it injury or unnecessary suffering.
4. Animals which arrive after having been subjected to high temperatures in humid weather must be cooled by appropriate means as soon as possible.
5. The feeding and watering of animals shall be carried out in such a way as to ensure that every animal accommodated at the staging point can have at least sufficient clean water and sufficient and appropriate feed to satisfy its bodily needs during its stay and for the expected duration of its journey to the next feeding point. Staging points may not receive animals with special feeding needs, such as young calves needing liquid feed, unless they are properly equipped and staffed to satisfy those needs.
6. The condition and state of the animals shall be inspected by a staff member of the staging point on their arrival at the staging point and at least once every 12 hours during their stay at the staging point.
7. The record referred to in Article 5 (h) of this Directive shall contain the following information:
 - (a) date and time of completion of unloading and commencement of reloading of each consignment;
 - (b) date and duration of the depopulation for health reasons provided for in point A (4) of this Annex;
 - (c) animal health certificate number(s) relating to each consignment;
 - (d) any necessary remarks concerning the health or welfare condition of the animals and especially:
 - the particulars and number of animals discovered dead at the point of unloading at the staging point or which die during their stay,
 - the particulars and number of animals which are discovered to be seriously injured at the point of unloading or during their stay, or are considered to be unfit for further travel;
 - (e) the names and addresses of the transporter and drivers and the registration numbers of the vehicles.

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51. Directive as last amended by the 1994 Act of Accession.

ANNEX II

CHAPTER VIII

ROUTE PLAN ⁽¹⁾

(1) TRANSPORTER (name, address, business name) SIGNATURE OF TRANSPORTER	(2) MEANS OF TRANSPORT No OF REGISTRATION OR IDENTIFICATION	(a)
(3) ANIMAL SPECIES NUMBER PLACE OF DEPARTURE PLACE AND COUNTRY OF DESTINATION	(4) ITINERARY ESTIMATED JOURNEY TIME	(a)
(5) NUMBER OF HEALTH CERTIFICATE(S) OR ACCOMPANYING DOCUMENT(S)	(6) STAMP OF VETERINARIAN AT PLACE OF DEPARTURE	(a) (b)
(8) DATE AND TIME OF DEPARTURE	(9) NAME OF PERSON IN CHARGE OF TRANSPORT DURING JOURNEY	(a) (c) (d)
(11) PLANNED STAGING OR TRANSFER POINTS	(12) ACTUAL STAGING OR TRANSFER POINTS:	(c and e)
(13) PLACE AND ADDRESS	(14) DATE AND TIME	(15) LENGTH OF STOP (16) REASON (17) PLACE ADDRESS (18) DATE AND TIME
(i)		
(ii)		
(iii)		
(iv)		
(v)		
(vi)		
(19) (a) To be completed by the transporter before departure (b) To be completed by the appropriate veterinarian (c) To be completed by the transporter during the journey (d) To be completed by the competent authority at the point of exit or authorized crossing point (e) To be completed by the transporter after the journey	(20) SIGNATURE OF PERSON IN CHARGE DURING JOURNEY	(21) Date and time of arrival at place of destination
(22) OBSERVATIONS:		(e) (b or e)

⁽¹⁾ Replaces Chapter VIII of the Annex to Directive 91/628/EEC.

COUNCIL REGULATION (EC) No 1256/97**of 25 June 1997****amending Regulation No 79/65/EEC setting up a network for the collection of accountancy data on the incomes and business operations of agricultural holdings in the European Economic Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Regulation No 79/65/EEC of the Council of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operations of agricultural holdings in the European Economic Community ⁽³⁾, lays down certain restrictions on the use of accountancy data from agricultural holdings and other individual details obtained in implementation of that Regulation; whereas, given the risk that information supplied by a farmer could be used for purposes other than those provided for in the above Regulation, the prohibition on any unauthorized use of such information should be reinforced; whereas, therefore, the Regulation in question should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 15 (1) of Regulation No 79/65/EEC is hereby replaced by the following:

'1. It shall be prohibited to use for taxation puposes any individual accountancy data or other individual details obtained in implementation of this Regulation, or to divulge or use such data for purposes other than those specified in Article 1.'

Article 2

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

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

Done at Luxembourg, 25 June 1997.

*For the Council**The President*

J. VAN AARTSEN

⁽¹⁾ OJ No C 127, 24. 4. 1997, p. 15.

⁽²⁾ OJ No C 167, 2. 6. 1997.

⁽³⁾ OJ No 109, 23. 6. 1965, p. 1859/65. Regulation as last amended by Regulation (EC) No 2801/95 (OJ No L 291, 6. 12. 1995, p. 3).

COMMISSION REGULATION (EC) No 1257/97
of 30 June 1997
concerning the stopping of fishing for northern deepwater prawns by vessels
flying the flag of Sweden

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 686/97⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 392/97 of 20 December 1996 allocating, for 1997, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽³⁾ provides for northern deepwater prawn quotas for 1997;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of northern deepwater prawns in the waters of ICES division IV (Norwegian waters south of 62° N) by vessels flying the flag of Sweden or registered in Sweden have reached the quota allocated for 1997; whereas Sweden has prohibited fishing for this stock as

from 14 May 1997; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of northern deepwater prawns in the waters of ICES division IV (Norwegian waters south of 62° N) by vessels flying the flag of Sweden or registered in Sweden are deemed to have exhausted the quota allocated to Sweden for 1997.

Fishing for northern deepwater prawns in the waters of ICES division IV (Norwegian waters south of 62° N) by vessels flying the flag of Sweden or registered in Sweden is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 14 May 1997.

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

Done at Brussels, 30 June 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 102, 19. 4. 1997, p. 1.

⁽³⁾ OJ No L 66, 6. 3. 1997, p. 57.

COMMISSION REGULATION (EC) No 1258/97**of 1 July 1997****determining the extent to which applications lodged in June 1997 for import rights in respect of frozen beef intended for processing may be accepted**

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

Having regard to Commission Regulation (EC) No 1006/97 of 4 June 1997 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 1997 — 30 June 1998)⁽¹⁾, and in particular the second subparagraph of Article 3 (3) thereof,

Whereas Article 1 (2) of Regulation (EC) No 1006/97 fixes the quantities of frozen beef intended for processing which may be imported under special terms in 1997/98;

Whereas Article 3 (3) of Regulation (EC) No 1006/97 lays down that the quantities applied for may be reduced; whereas the applications lodged relate to total quantities for 'A' products which exceed the quantities available; whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for; whereas the quantities for 'B' products covered by import licence applications are such that

import licences may be granted for the full quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for import rights lodged in accordance with Regulation (EC) No 1006/97 for the period 1 July 1997 to 30 June 1998 shall be granted to the following extent, expressed as bone-in beef:

- (a) 0,5602 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 1 (2) (a) of Regulation (EC) No 1006/97;
- (b) 100 % of the quantity requested for beef imports intended for the manufacture of products as defined by Article 1 (2) (b) of Regulation (EC) No 1006/97.

Article 2

This Regulation shall enter into force on 2 July 1997.

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

Done at Brussels, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 5. 6. 1997, p. 10.

COMMISSION REGULATION (EC) No 1259/97

of 1 July 1997

amending Regulation (EC) No 1501/95 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

blockage of the tender procedure in an intermediate situation;

Having regard to the Treaty establishing the European Community,

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

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 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas Commission Regulation (EC) No 1501/95⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, lays down certain detailed rules on the granting of export refunds on cereals, in particular in the context of invitations to tender;

The first paragraph of Article 13 of Regulation (EC) No 1501/95 is hereby replaced by the following:

'Notwithstanding Article 18 of Regulation (EEC) No 3665/87, proof of completion of customs formalities for release for consumption shall not be required for payment of refunds fixed in a contract awarded for refunds on exports to all third countries, provided that the operator provides proof that a quantity of at least 1 500 tonnes of cereal product have left the customs territory of the Community on board a vessel suitable for sea transport.'

Whereas Article 18 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 815/97⁽⁶⁾, lays down general rules regarding proof of completion of customs formalities for release for consumption; whereas Article 13 of Regulation (EC) No 1501/95 provides for derogation from these requirements in cases where export takes place by sea; whereas, in the interest of clarity, the cases in which such a derogation applies should be defined more precisely, in particular as regards the fact that this exemption is only admissible where the refund has been fixed in a contract awarded for all third countries without exception;

Article 2

The first subparagraph of Article 7 (2) of Regulation (EC) No 1501/95 is hereby replaced by the following:

'2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.'

Whereas it should be made possible to award contracts fixing refunds or export taxes without disrupting continuity in transitional market situations; whereas, therefore, bids relating to refunds should be compatible with bids relating to taxes and there should not be any

Article 3

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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 116, 6. 5. 1997, p. 22.

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

Done at Brussels, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1260/97

of 1 July 1997

adopting the balance and fixing the aid for the supply of products from the eggs and poultrymeat sectors to the Canary Islands under the arrangements provided for in Articles 2, 3 and 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 Articles 3 (4) and 4 (4) thereof,

Whereas in application of Articles 2, 3 and 4 of Regulation (EEC) No 1601/92 it is necessary to determine for the eggs and poultrymeat sectors and for the 1997/98 marketing year, on the one hand, the quantities of meat and eggs of the forecast supply balance which benefit from an exemption from the duty on imports from third countries or from an aid for deliveries originating in the rest of the Community, and on the other hand, the quantities of breeding material originating in the Community which benefit from an aid with a view to developing the potential for production in the archipelago of the Canaries;

Whereas it is appropriate to fix the amounts of the aids referred to above for the supply to the archipelago, on the one hand, of meat and eggs, and, on the other hand, of breeding materials originating in the rest of the Community; whereas these aids must be fixed taking into account in particular the costs of supply from the world market, conditions due to the geographical situation of the archipelago and the basis of the current prices on export to third countries for the animals or products concerned;

Whereas the common detailed implementing rules for the supply regime for the Canary Islands for certain agricultural products were laid down by Commission Regulation (EEC) No 2790/94⁽³⁾, as last amended by Regulation (EC) No 2883/94⁽⁴⁾;

Whereas, pursuant to Regulation (EEC) No 1601/92, the supply arrangements apply from 1 July; whereas the provisions of this Regulation should enter into force immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

In application of Article 2 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance with products from the eggs and poultrymeat sectors which benefit from the exemption from the import duty on products, or which benefit from Community aid for products coming from the rest of the Community, shall be as fixed in Annex I hereto.

Article 2

1. For application of Article 3 (2) of Regulation (EEC) No 1601/92 the aid for products included in the forecast supply balance and which come from the Community market shall be as fixed in Annex II hereto.

2. Products benefiting from the aid shall be specified in accordance with the provisions of Commission Regulation (EEC) No 3846/87⁽⁵⁾ and in particular Sectors 8 and 9 of the Annex thereto.

Article 3

The aid provided for in Article 4 (1) of Regulation (EEC) No 1601/92 for the supply to the Canary Islands of breeding material of domestic fowl originating from the Community as well as the number of chicks and hatching eggs which benefit from it shall be as fixed in Annex III hereto.

Article 4

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.

⁽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 366, 24. 12. 1987, p. 1.

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

Done at Brussels, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Forecast supply balance for the Canary Islands regarding products from the eggs and poultry-meat sectors for the period 1 July 1997 to 30 June 1998

<i>(in tonnes)</i>		
CN code	Description of goods	Quantity ⁽¹⁾
ex 0207	Meat and edible offal, frozen, of poultry within heading No 0105, except products falling within subheading 0207 23	38 000 ⁽²⁾
ex 0408	Birds' eggs, not in shell, and egg yolks, dried, whether or not containing added sugar or other sweetening matter, suitable for human consumption	200

⁽¹⁾ Product weight.

⁽²⁾ Of which 2 000 tonnes for processing and/or packaging.

ANNEX II

Amounts of aid granted for products from the Community market

(ECU/100 kg)	
Product code	Amount of aid
0207 12 10 900	16
0207 12 90 190	19
0207 25 10 000	7
0207 25 90 000	
0207 14 20 900	
0207 14 60 900	
0207 14 70 190	
0207 14 70 290	
0207 27 10 990	
0207 27 60 000	
0207 27 70 000	
0408 11 80 100	53
0408 91 80 100	41

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

ANNEX III

Supply to the Canary Islands of breeding material originating in the Community for the period from 1 July 1997 to 30 June 1998 — chicks and hatching eggs

(ECU/100 units)

CN code	Description of goods	Number	Aid
ex 0105 11	Parent or grandparent stock chicks ⁽¹⁾	100 000	1,5
ex 0407 00 19	Hatching eggs for the production of parent or grandparent stock chicks	100 000	1,5

⁽¹⁾ In accordance with the definition provided for in Article 1 of Council Regulation (EEC) No 2782/75 (OJ No L 282, 1. 11. 1975, p. 100).

COMMISSION REGULATION (EC) No 1261/97

of 1 July 1997

**adopting the balance and fixing the aid for the supply of breeding rabbits to the
Canary Islands under the arrangements provided for in Article 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 4 (4) thereof,

Whereas in application of Article 4 of Regulation (EEC)
No 1601/92 it is necessary to determine, for the 1997/98
marketing year, the quantities of breeding rabbits origin-
ating in the Community which may receive aid with a
view to developing the production potential of the Canary
Islands;

Whereas the amount of aid referred to above for the
supply to the Canaries of breeding rabbits originating in
the rest of the Community must also be fixed; whereas
this aid must reflect, in particular, the costs of supply
from the world market, conditions due to the geo-
graphical situation of the Canaries and current prices for
exports of the animals in question to third countries;

Whereas the common detailed rules for implementation
of the arrangements for the supply of certain agricultural
products to the Canary Islands are laid down by Commis-
sion Regulation (EC) No 2790/94⁽³⁾, as last amended by
Regulation (EC) No 2883/94⁽⁴⁾;

Whereas pursuant to Regulation (EEC) No 1601/92, the
supply arrangements are applicable from 1 July; whereas
the provisions of this Regulation should enter into force
immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid provided for in Article 4 (1) of Regulation (EEC)
No 1601/92 for the supply to the Canary Islands of
breeding rabbits originating in the Community and the
number of rabbits for which it may be given are deter-
mined in the Annex.

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, 1 July 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.

ANNEX

**Supply to the Canary Islands of breeding rabbits originating in the Community for the period
1 July 1997 to 30 June 1998**

CN code	Description	Number of animals to be supplied	Aid (ECU/head)
ex 0106 00 10	Breeding rabbits:		
	— pure-bred and grand-parents	1 000	30
	— parents	3 000	24

COMMISSION REGULATION (EC) No 1262/97

of 1 July 1997

establishing the supply balance for the Azores and Madeira with products from the eggs and poultrymeat sectors and amending Regulation (EEC) No 1726/92

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, introducing specific measures for the Azores and Madeira concerning 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 1726/92⁽³⁾, as amended by Regulation (EC) No 1174/96⁽⁴⁾, fixes for the period 1 July 1996 to 30 June 1997 the quantities of breeding material originating in the Community which benefit from an aid with a view to developing the potential for production in the Azores and Madeira; whereas these quantities should be determined for the egg and poultrymeat sectors for the period 1 July to 31 December 1997, taking account of local production and traditional trade flows and ensuring that the proportion of products supplied from the Community is preserved;

Whereas the fact that the Community aid is fixed in the light of the present situation on the market for the products in question and in particular of the prices for such products in the European part of the Community and on the world market results in the aid for the supply of egg and poultrymeat to the Azores and Madeira being fixed at the amounts given in the Annex;

Whereas pending the communication from the competent authorities regarding updated estimates of the needs of the regions concerned and in order to ensure continuity of specific supply arrangements the supply balance should be established for the period 1 July to 31 December 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1726/92 is hereby replaced by the Annex to this Regulation.

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, 1 July 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. 99.

⁽⁴⁾ OJ No L 155, 28. 6. 1996, p. 22.

ANNEX

PART 1

Supply in the Azores of breeding material originating in the Community for the period 1 July to 31 December 1997

(ECU/100 units)

CN code	Description of the goods	Quantity	Aid
ex 0105 11	Parent or grandparent stock chicks ⁽¹⁾	10 000	13
ex 0407 00 19	Hatching eggs for the production of parent or grandparent stock chicks ⁽¹⁾	50 000	3,60

⁽¹⁾ In accordance with the definition provided for in Article 1 of Council Regulation (EEC) No 2782/75 (OJ No L 282, 1. 11. 1975, p. 100).

PART 2

Supply in Madeira of breeding material originating in the Community for the period 1 July to 31 December 1997

(ECU/100 units)

CN code	Description of the goods	Quantity	Aid
ex 0105 11	Parent or grandparent stock chicks ⁽¹⁾	180 000	5
ex 0407 00 19	Hatching eggs for the production of parent or grandparent stock chicks ⁽¹⁾	80 000	3,60

⁽¹⁾ In accordance with the definition provided for in Article 1 of Regulation (EEC) No 2782/75.

COMMISSION REGULATION (EC) No 1263/97

of 1 July 1997

deferring the final date for sowing certain arable crops in certain regions in the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 922/97⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 (2) of Regulation (EEC) No 1765/92 stipulates that, to qualify for the compensatory payments for cereals, protein crops and linseed under the support system for certain arable crops, producers must have sown the seed at the latest by 15 May preceding the relevant harvest;

Whereas Article 9 of Commission Regulation (EC) No 658/96 of 9 April 1996 on certain conditions for granting compensatory payments under the support system for producers of certain arable crops⁽³⁾, as last amended by Regulation (EC) No 843/97⁽⁴⁾, fixes 15 May as the final date for oilseeds;

Whereas, because of the particular weather conditions this year, the final dates for sowing seeds fixed for Portugal and Sweden cannot be complied with in all cases; whereas, in consequence, the time limit for sowing cereals

and/or oilseeds, and/or protein crops and/or linseed for the 1997/98 marketing year should, where necessary, be deferred for certain specific regions; whereas to do so Regulations (EEC) No 1765/92 and (EC) No 658/96 should be waived as permitted by the seventh indent of Article 12 of Regulation (EEC) No 1765/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

The final dates for crop sowings in Portugal and Sweden for the 1997/98 marketing year are fixed in the Annex hereto for the crops and regions indicated therein.

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 15 May 1997.

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

Done at Brussels, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 133, 24. 5. 1997, p. 1.

⁽³⁾ OJ No L 91, 12. 4. 1996, p. 46.

⁽⁴⁾ OJ No L 121, 13. 5. 1997, p. 5.

*ANNEX***Final date for sowing crops for the 1997/98 marketing year**

Crops	Member State	Region	Final date
Cereals, oilseeds, protein crops and linseed	Sweden	Västernorrland Jämtland Västerbotten Norrbotten	21 June 1997
Maize, sunflower	Portugal	The entire country	21 June 1997

COMMISSION REGULATION (EC) No 1264/97
of 1 July 1997
establishing a forecast balance and fixing the amount of aid for the supply to the
Canary Islands of beef and veal sector products

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 Articles 3 (4) and 4 (4) thereof,

Whereas, pursuant to Regulation (EEC) No 1601/92, the quantities of the forecast supply balances for the beef and veal sector should be determined for the period 1 July 1997 to 30 June 1998 for supplies to the Canary Islands of beef and veal and pure-bred breeding bovines;

Whereas the quantities of the forecast supply balance for those products are fixed in Commission Regulation (EC) No 1328/96⁽³⁾, as amended by Regulation (EC) No 1008/97⁽⁴⁾, for the period 1 July 1996 to 30 June 1997; whereas, in order to continue to satisfy requirements for beef and veal products, the abovementioned quantities should be fixed for the period 1 July 1997 to 30 June 1998;

Whereas the amount of aid for the products included in the forecast supply balance and coming from the Community market is fixed by Commission Regulation (EEC) No 442/96⁽⁵⁾;

Whereas application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the Community and on the world market, gives rise to aid for the supply of the Canary Islands with beef and veal sector products at the amounts fixed in the Annex hereto;

Whereas, in application of Regulation (EEC) No 1601/92, the supply arrangements will apply from 1 July; whereas the provisions of this Regulation should therefore apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Articles 2, 3 and 4 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance in the beef and veal sector benefiting, as appropriate, from exemption from import duties for products from third countries or for Community aid for products from the Community market shall be as set out in Annex I hereto.

Article 2

The amount of the aid granted to the products referred to in Annex I and coming from the Community market shall be as set out in Annexes II and III hereto.

Article 3

This Regulation shall enter into force on the 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, 1 July 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 171, 10. 7. 1996, p. 9.

⁽⁴⁾ OJ No L 145, 5. 6. 1997, p. 19.

⁽⁵⁾ OJ No L 61, 12. 3. 1996, p. 8.

ANNEX I

Canary Islands: Forecast supply balance for beef and veal sector products from 1 July 1997 to 30 June 1998

CN code	Description of goods	Number (*) or quantity (tonnes)
0102 10 00	Pure-bred breeding bovines (*)	4 300 (*)
0201	Meat of bovine animals, fresh or chilled	19 000
0202	Meat of bovine animals, frozen	21 000

(*) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

(*) Head.

ANNEX II

Amounts of the aid granted to the products referred to in Annex I and coming from the Community market

(ECU/100 kg net)

Product code	Amount of aid
0201 10 00 9110 (*)	61,50
0201 10 00 9120	41,00
0201 10 00 9130 (*)	82,00
0201 10 00 9140	56,00
0201 20 20 9110 (*)	82,00
0201 20 20 9120	56,00
0201 20 30 9110 (*)	61,50
0201 20 30 9120	41,00
0201 20 50 9110 (*)	103,50
0201 20 50 9120	71,00
0201 20 50 9130 (*)	61,50
0201 20 50 9140	41,00
0201 20 90 9700	41,00
0201 30 00 9100 (*)	148,50
0201 30 00 9150 (*)	79,50
0201 30 00 9190 (*)	53,50
0202 10 00 9100	41,00
0202 10 00 9900	56,00
0202 20 10 9000	56,00
0202 20 30 9000	41,00
0202 20 50 9100	71,00
0202 20 50 9900	41,00
0202 20 90 9100	41,00
0202 30 90 9400 (*)	79,50
0202 30 90 9500 (*)	53,50

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

*ANNEX III***Amount of the aid which may be granted in the Canary Islands for pure-bred breeding bovines
originating in the Community***(ECU/head)*

CN code	Description of goods	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	700

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

COMMISSION REGULATION (EC) No 1265/97

of 1 July 1997

amending Regulation (EEC) No 1913/92 laying down detailed rules for implementing the specific arrangements for supplying the Azores and Madeira with beef and veal sector products

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 Regulation (EEC) No 1600/92 provides for the establishment for the beef and veal sector of the quantities of the specific supply balances for the Azores and Madeira regarding beef and veal and pure-bred breeding animals;

Whereas the quantities in the forecast supply balance for those products are fixed by Commission Regulation (EEC) No 1913/92⁽³⁾, as last amended by Regulation (EC) No 1329/96⁽⁴⁾;

Whereas, pending a communication from the competent authorities updating the needs of the regions in question and so as not to interrupt the application of the specific supply arrangements, the balance for the period 1 July to 31 December 1997 should be adopted;

Whereas the level of the aid for the products included in the forecast supply balance and coming from the Community market is fixed by Regulation (EEC) No 1913/92;

Whereas application of the criteria for fixing the amount of Community aid to the current market situation in the

sector in question and, in particular, to the exchange rates and prices for those products in the European part of the Community and on the world market, gives rise to aid for the supply of the Azores and Madeira with beef and veal sector products at the levels fixed in the Annex hereto;

Whereas, pursuant to Regulation (EEC) No 1600/92, the supply arrangements are applicable from 1 July; whereas the provisions of this Regulation should therefore apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1913/92 is hereby amended as follows:

1. Annex I is replaced by Annex I to this Regulation.
2. Annex II is replaced by Annex II to this Regulation.
3. Annex III is replaced by Annex III to this Regulation.

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, 1 July 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 192, 11. 7. 1992, p. 35.

⁽⁴⁾ OJ No L 171, 10. 7. 1996, p. 11.

ANNEX I

ANNEX I

Madeira: Forecast supply balance for beef and veal sector products from 1 July to 31 December 1997

<i>(tonnes)</i>		
CN code	Description of goods	Quantity
0201	Meat of bovine animals, fresh or chilled	1 750
0202	Meat of bovine animals, frozen	1 250'

ANNEX II

ANNEX II

Amounts of aid to be granted to the products referred to in Annex I and coming from the Community market

<i>(ECU/100 kg net)</i>	
Product code	Amount of aid
0201 10 00 9110 ⁽¹⁾	61,50
0201 10 00 9120	41,00
0201 10 00 9130 ⁽¹⁾	82,00
0201 10 00 9140	56,00
0201 20 20 9110 ⁽¹⁾	82,00
0201 20 20 9120	56,00
0201 20 30 9110 ⁽¹⁾	61,50
0201 20 30 9120	41,00
0201 20 50 9110 ⁽¹⁾	103,50
0201 20 50 9120	71,00
0201 20 50 9130 ⁽¹⁾	61,50
0201 20 50 9140	41,00
0201 20 90 9700	41,00
0201 30 00 9100 ⁽²⁾	148,50
0201 30 00 9150 ⁽⁶⁾	79,50
0201 30 00 9190 ⁽⁶⁾	53,50
0202 10 00 9100	41,00
0202 10 00 9900	56,00
0202 20 10 9000	56,00
0202 20 30 9000	41,00
0202 20 50 9100	71,00
0202 20 50 9900	41,00
0202 20 90 9100	41,00
0202 30 90 9400 ⁽⁶⁾	79,50
0202 30 90 9500 ⁽⁶⁾	53,50

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

*ANNEX III**'ANNEX III***PART 1****Azores: Supply of pure-bred breeding bovines originating in the Community from 1 July to 31 December 1997**

CN code	Description of goods	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	575	560

PART 2**Madeira: Supply of pure-bred breeding bovines originating in the Community from 1 July to 31 December 1997**

CN code	Description of goods	Number of animals to be supplied	Aid (ECU/head)
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	100	610

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.'

COMMISSION REGULATION (EC) No 1266/97

of 1 July 1997

amending Regulations (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with breeding bovines and horses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 4 (5) thereof;

Whereas, pursuant to Article 4 of Regulation (EEC) No 3763/91, the number should be determined of pure-bred breeding bovines and horses originating in the Community and eligible for aid with a view to encouraging the development of those sectors in the French overseas departments (FOD);

Whereas the quantities of the forecast supply balance and the level of aid for those products are fixed by Commission Regulations (EEC) No 2312/92⁽³⁾ and (EEC) No 1148/93⁽⁴⁾, as last amended by Regulation (EC) No 1330/96⁽⁵⁾; whereas the Annexes to those Regulations should therefore be amended;

Whereas, pending a communication from the competent authorities updating the needs of the regions in question and so as not to interrupt the application of the specific supply arrangements, the balance for the period 1 July to 31 December 1997 should be adopted;

Whereas application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the

Community and on the world market, gives rise to aid for the supply of the FODs with pure-bred breeding animals at the levels fixed in the Annex hereto;

Whereas, pursuant to Regulation (EEC) No 3763/91, the supply arrangements are applicable from 1 July; whereas the provisions of this Regulation should therefore apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 2312/92 is hereby replaced by Annex I to this Regulation.

Article 2

The Annex to Regulation (EEC) No 1148/93 is hereby replaced by Annex II to this Regulation.

Article 3

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, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 222, 7. 8. 1992, p. 32.

⁽⁴⁾ OJ No L 116, 12. 5. 1993, p. 15.

⁽⁵⁾ OJ No L 171, 10. 7. 1996, p. 13.

ANNEX I

ANNEX III

PART 1

Supply to Réunion of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	150	930

PART 2

Supply to French Guiana of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	200	930

PART 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	20	930

PART 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines ⁽¹⁾	25	930

⁽¹⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

ANNEX II

ANNEX

PART 1

Supply to French Guiana of pure-bred breeding horses originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	8	930

PART 2

Supply to Martinique of pure-bred breeding horses originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses ⁽¹⁾	8	930

⁽¹⁾ Inclusion in this subheading is subject to the conditions provided for by Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ No L 224, 18. 8. 1990, p. 55).

COMMISSION REGULATION (EC) No 1267/97

of 1 July 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 2 July 1997.

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

Done at Brussels, 1 July 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 1 July 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	052	73,7
	066	45,6
	999	59,6
ex 0707 00 25	052	60,4
	999	60,4
0709 90 77	052	58,2
	999	58,2
0805 30 30	382	67,0
	388	68,3
	528	45,4
	999	60,2
0808 10 71, 0808 10 73, 0808 10 79	060	59,8
	388	86,8
	400	90,0
	508	73,0
	512	64,7
	524	54,8
	528	62,7
	800	83,0
	804	93,6
	999	74,3
0809 10 40	052	121,4
	999	121,4
0809 20 49	052	213,6
	064	163,2
	400	216,0
	999	197,6
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 1268/97
of 1 July 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 1226/97⁽⁵⁾;

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 1226/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1226/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 July 1997.

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

Done at Brussels, 1 July 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 173, 1. 7. 1997, p. 11.

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⁾	0,00	0,00
1001 90 91	Common wheat seed	33,68	23,68
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	33,68	23,68
	medium quality	63,04	53,04
	low quality	69,31	59,31
1002 00 00	Rye	69,65	59,65
1003 00 10	Barley, seed	69,65	59,65
1003 00 90	Barley, other ⁽³⁾	69,65	59,65
1005 10 90	Maize seed other than hybrid	95,92	85,92
1005 90 00	Maize other than seed ⁽³⁾	95,92	85,92
1007 00 90	Grain sorghum other than hybrids for sowing	81,59	71,59

⁽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

(for 30 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)	122,58	107,54	108,23	90,34	176,52 (')	103,32 (')
Gulf premium (ECU/tonne)	—	11,54	4,76	7,98	—	—
Great lake premium (ECU/tonne)	16,72	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,61 per tonne; Great Lakes — Rotterdam: ECU 21,76 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 1269/97
of 1 July 1997
establishing a forecast balance for the supply to the Canary Islands of 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 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⁾,

Whereas in application of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance for the milk sector should be determined for the period 1 July 1997 to 30 June 1998 for supplies to the Canary Islands;

Whereas the quantities of the forecast supply balance for those products is fixed in Commission Regulation (EC) No 2883/94⁽³⁾, as last amended by Regulation (EC) No 1288/96⁽⁴⁾, for the period 1 July 1995 to 30 June 1996; whereas, in order to continue to satisfy requirements for milk and milk products, the abovementioned quantities should be fixed for the period 1 July 1997 to 30 June 1998;

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

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance in the milk sector benefiting, as appropriate from exemption from import duties for products from third countries or for Community aid for products from the Community market shall be as set out in the Annex hereto.

Where, as regards a particular product separate amounts are fixed in the forecast supply balance for direct consumption, and for processing and/or packaging respectively, an adjustment in the breakdown as between the prescribed uses is permitted, within a limit of 20 % of the total quantity fixed for that product.

Article 2

This Regulation shall enter into force on the 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, 1 July 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 304, 29. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 165, 4. 7. 1996, p. 26.

ANNEX

ANNEX

Forecast supply balance for milk and milk products for the Canary Islands for the period 1 July 1997 to 30 June 1998

<i>(in tonnes)</i>		
CN code	Designation of goods	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	109 250 ⁽¹⁾
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	27 000 ⁽²⁾
0405 00	Butter and other fats and oils derived from milk	3 565 ⁽³⁾
0406	Cheeses	} 13 000
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		} 1 850
0406 90 88		
1901 90 99	Milk-based preparations without fat	5 000 ⁽⁴⁾
2106 90 92	Milk-based preparations for children not containing milk fat	200

⁽¹⁾ Of which 1 250 tonnes are for the processing and/or packaging sector.

⁽²⁾ Of which 15 500 tonnes are for the processing and/or packaging sector.

⁽³⁾ Of which 1 530 tonnes are for the processing and/or packaging sector.

⁽⁴⁾ The entire amount (5 000 tonnes) is for the processing and/or packaging sector.

COMMISSION REGULATION (EC) No 1270/97

of 1 July 1997

establishing the forecast supply balance for the Azores and Madeira for the period 1 July to 31 December 1997 and the Canary Islands for the period 1 July 1997 to 30 June 1998 with regard to sugar, provided by Council Regulations (EEC) No 1600/92 and (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 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

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⁽³⁾, as last amended by Regulation (EC) No 2348/96 and in particular Article 3 (4) and the second subparagraph of Article 7 thereof,

Whereas pursuant to Article 2 of Regulations (EEC) No 1600/92 and (EEC) No 1601/92, Commission Regulation (EEC) No 2177/92⁽⁴⁾, as last amended by Regulation (EC) No 1159/96⁽⁵⁾, sets the forecast supply balance with regard to sugar for the Azores, Madeira and the Canary Islands for the 1996/97 marketing year; whereas pursuant to the said Article 2 and on the basis of the forecasts, the supply balance for the 1997/98 marketing year under the arrangements should now be set with regard to the

Canary Islands; whereas pending a notification from the competent authorities of the current needs and in order not to interrupt the application of the specific supply arrangements, the balance for the Azores and Madeira should be established for the period 1 July to 31 December 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2177/92 is hereby replaced by the Annex to this Regulation.

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, 1 July 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 173, 27. 6. 1992, p. 13.

⁽⁴⁾ OJ No L 217, 31. 7. 1992, p. 71.

⁽⁵⁾ OJ No L 153, 27. 6. 1996, p. 31.

ANNEX

Quantities of sugar expressed in terms of tonnes of white sugar, referred to in Article 1 of Regulation (EEC) No 2177/92

Region	Quantity
I. Period from 1 July 1997 to 30 June 1998	
Canary Islands	60 000
II. Period from 1 July 1997 to 31 December 1997	
— Azores	2 750
— Madeira	5 000

COMMISSION REGULATION (EC) No 1271/97
of 1 July 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 and establishing the 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 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 implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Commission 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⁾, establishes the forecast supply balance for milk products for Madeira for the period 1 July 1996 to 30 June 1997;

Whereas, pending a communication from the competent authorities updating the needs of the regions in question

and so as not to interrupt the application of the specific supply arrangements, the balance for the period 1 July to 31 December 1997 should be adopted on the basis of the quantities fixed for the period 1996/1997;

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

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, 1 July 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.

ANNEX

ANNEX I

Forecast supply balance for Madeira relating to milk products for the period 1 July to 31 December 1997

<i>(tonnes)</i>		
CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	6 000
ex 0402	Skimmed-milk powder	400
ex 0402	Whole-milk powder	350
0405	Butter	600
0406	Cheese	600'

COMMISSION REGULATION (EC) No 1272/97

of 1 July 1997

amending Regulation (EEC) No 2999/92 laying down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and to determine the forecast supply balance for the period 1 July to 31 December 1997

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 with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas the quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows;

Whereas Commission Regulation (EEC) No 2999/92⁽³⁾, as last amended by Regulation (EC) No 1161/96⁽⁴⁾, lays down the detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and the forecast balance fixing the quantities eligible for the specific supply arrangements for the period from 1 July 1996 to 30 June 1997;

Whereas, pending a communication from the competent authorities updating the requirements of Madeira, and so as not to interrupt application of the specific supply

arrangements, the balance should be drawn up for the period 1 July to 31 December 1997;

Whereas the supply arrangements are applicable from 1 July; whereas, as a result, provision should be made for this Regulation to apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2999/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 1 July 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 301, 17. 10. 1992, p. 7.

⁽⁴⁾ OJ No L 153, 27. 6. 1996, p. 35.

ANNEX

Forecast supply balance covering processed fruit and vegetable products for Madeira for the period 1 July to 31 December 1997

(tonnes)		
CN code	Description	Quantity
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	
2008 20	— Pineapples	150
2008 30	— Citrus fruit	20
2008 40	— Pears	40
2008 60	— Cherries	30
2008 70	— Peaches	200
	— Other, including mixtures other than those of subheading 2008 19:	
2008 92	— — Mixtures	25
2008 99	— — Other than palm hearts and mixtures	15
Total		480

COMMISSION REGULATION (EC) No 1273/97

of 1 July 1997

establishing a forecast balance for the supply to the Azores and Madeira of cereal products covered by the specific measures provided for in Articles 2 to 10 of Council Regulation (EEC) No 1600/92

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 with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Articles 3 (3) and 10 thereof,

Whereas the measures, introduced by Regulation (EEC) No 1600/92, intended to offset as regards the supply of certain cereal products, the geographical situation of the Azores and Madeira, consist of exemption from import duties (customs duties and agricultural levies), and the grant of aid to encourage the delivery of cereal products from the Community;

Whereas in accordance with Article 2 of Regulation (EEC) No 1600/92 these arrangements include requirements for direct human consumption, and for processing and packaging in the Islands of products listed in the Annex to the aforementioned Regulation; whereas an assessment of these requirements is made annually in the context of a forecast supply balance which can be revised in the course of the year in the light of developments in the requirements of the Islands; whereas the assessment of the requirements of the processing and packaging industries, as regards products intended for the local market or traditionally dispatched to the rest of the Community, may result in the establishment of a separate forecast supply balance;

Whereas, in order to facilitate administration of the supply balance, a certain margin of flexibility in the allocation of the quantities fixed in the supply balance should be permitted;

Whereas, pending a communication from the competent bodies updating the needs of the concerned regions and in order not to interrupt the application of the specific supply regime, a forecast supply balance sheet should be established for the period 1 July 1997 to 31 December 1998;

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

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1600/92 the quantities in the forecast supply balance which shall benefit, as appropriate, from exemption from import charges in the case of products coming from third countries, or from payment of Community aid in the case of products coming from the Community market, are as indicated in the Annex.

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, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 10.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

ANNEX

Forecast supply balance for the Azores and Madeira for the period 1 July 1997 to 31 December 1998*(tonnes)*

Region	Breadmaking wheat	Feed wheat	Durum wheat	Barley	Maize	Malt	Total
Azores	17 000	—	250	20 500	36 500	500	74 750
Madeira	10 000	—	2 500	2 500	15 000	1 100	31 100
Total	27 000	—	2 750	23 000	51 500	1 600	105 850

COMMISSION REGULATION (EC) No 1274/97
of 1 July 1997
establishing the sugar forecast supply balance for 1997/98 for the smaller Aegean
islands provided for in Council Regulation (EEC) No 2019/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EC) No 2417/95⁽²⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2958/93 lays down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products⁽³⁾, as amended by Regulation (EC) No 1802/95⁽⁴⁾;

Whereas Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EC) No 495/97⁽⁶⁾, lays down the common detailed rules for the application of the system of import licences; whereas Commission Regulation (EC) No 1464/95 of 27 June 1995 on special detailed rules for the application of the system of import and export licences in the sugar sector⁽⁷⁾, as last amended by Regulation (EC) No 2136/95⁽⁸⁾, lays down special detailed rules for the sugar sector;

Whereas, in order to take account of commercial practices specific to the sugar sector, detailed rules, additional to or derogating from the provisions of Regulation (EEC) No 2958/93, should be laid down;

Whereas, pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for sugar for the

smaller Aegean islands for the 1997/98 marketing year should be established; whereas that balance may be revised during the year on the basis of trends in the smaller islands' requirements;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for sugar originating in the Community for the smaller Aegean islands for the 1997/98 marketing year shall be as laid down in the Annex hereto.

Article 2

The validity of aid certificates shall expire on the final day of the second month following their issue.

Article 3

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, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 248, 14. 10. 1995, p. 39.

⁽³⁾ OJ No L 267, 28. 10. 1993, p. 4.

⁽⁴⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 77, 19. 3. 1997, p. 12.

⁽⁷⁾ OJ No L 144, 28. 6. 1995, p. 14.

⁽⁸⁾ OJ No L 214, 8. 9. 1995, p. 19.

ANNEX

SUPPLY BALANCE FOR THE SMALLER AEGEAN ISLANDS

<i>(in tonnes of white sugar)</i>		
Product	CN code	Quantity July 1997 to June 1998
Sugar	1701	
— Group A (*)		600
— Group B (*)		9 000
Total		9 600

(*) These groups are defined in Annexes I and II to Regulation (EEC) No 2958/93.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 February 1997

setting out measures in order to restore effective competition

(Case No IV/M. 784 — Kesko/Tuko)

(Only the English text is authentic)

(Text with EEA relevance)

(97/409/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area, and in particular Article 57 (2) (a) thereof,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 (4) and Article 22 thereof,

Having regard to the Commission Decision of 20 November 1996 declaring the concentration by which Kesko Oy acquired sole control over Tuko Oy incompatible with the common market,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations⁽²⁾,

Whereas:

- (1) On 26 June 1996 the Commission received a request from the Finnish Office of Free Competition pursuant to Article 22 of Regulation (EEC) No

4064/89 ('the Merger Regulation') to examine the acquisition of Tuko Oy ('Tuko') by Kesko Oy ('Kesko'). On 20 November 1996 the Commission adopted a Decision pursuant to Article 8 (3) in conjunction with Article 22 of the Merger Regulation ('Decision of 20 November 1996'), declaring the concentration incompatible with the common market.

- (2) At the time when the Decision of 20 November 1996 was adopted, the concentration had already been completed, since Kesko acquired control over Tuko on 27 May 1996 by acquisition of shares. The Commission decided not to include in its Decision of 20 November 1996 measures in application of Article 8 (4) of the Merger Regulation. The Commission announced that a separate Decision pursuant to Article 8 (4) would be adopted setting out appropriate measures in order to restore conditions of effective competition.

Basic reasoning for the Decision of 20 November 1996

- (3) The Commission reached the conclusion that the concentration would create or strengthen a dominant position for Kesko on the Finnish market for retail of daily consumer goods, where the combined market share of Kesko and Tuko would be at least 55 %, whether assessed at local, regional or

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 1; corrected version OJ No L 257, 21. 9. 1990, p. 13.

⁽²⁾ OJ No C 202, 2. 7. 1997, p. 3.

national level. This position would be further strengthened by their position as regards large retail outlets, control of business premises, customer loyalty schemes, private label products, distribution systems and, not least, by the considerable power of their central organs as buyers of daily consumer goods from manufacturers of such goods (referred to in the Decision of 20 November 1996 as the procurement markets).

- (4) Further, the Commission reached the conclusion that the concentration would create or strengthen a dominant position for Kesko on the Finnish market for cash-and-carry sales of daily consumer goods. The combined market share would be about 80 % on a national level and between [50 % to 100 %]⁽¹⁾ in all regions. In addition, that position would be strengthened by Kesko's buying power, as described above.
- (5) On both markets it was concluded that Kesko would be the clear market leader, with a position far ahead of that of the other players in the market.
- (6) Finally the Commission concluded that the dominant positions of Kesko, as described above, would not be negated by potential competition and, indeed, that the concentration would increase barriers to entry in such a way that it is extremely unlikely that any entry would be possible following completion of the acquisition.
- (7) Kesko did not, in the course of the procedure which led to the adoption of the Decision of 20 November 1996, offer any undertaking capable of addressing the competitive concerns identified in that Decision. It is therefore necessary to eliminate the dominant position created by the acquisition of Tuko Oy.

The Commission's statement pursuant to Article 18 of the Merger Regulation

- (8) In order to remedy the situation whereby Kesko had already effectively controlled Tuko since May 1996, the Commission issued a statement pursuant to Article 18 of the Merger Regulation ('the statement pursuant to Article 18'), indicating that it considered it appropriate to adopt a decision

pursuant to Article 8 (4) obliging Kesko to sell 'en bloc' the daily consumer goods business of Tuko Oy.

- (9) Moreover, in explaining the modalities of such a divestiture, the statement pursuant to Article 18 indicated that the divestiture should include all assets relating to the daily consumer goods business, including the shares in Tuko Oy, and that the buyer should be a viable existing or prospective competitor, independent and unrelated to the Kesko group, with sufficient expertise and financial resources. The deadline for completing the divestiture was set at six months. Furthermore, it was indicated that a trustee would have to be appointed to conduct an audit to ascertain full divestiture, to determine the management structure of the assets to be divested pending such divestiture, to act as Kesko's investment banker in selling the business and to report to the Commission on a periodical basis on the operation of the business as well as the state of negotiations with third parties.

Kesko's reaction to the statement pursuant to Article 18

- (10) After receiving the statement pursuant to Article 18, Kesko argued that the Decision under Article 8 (4) should be made more flexible so as not to impose undue burdens on Kesko. Moreover, Kesko proposed two transactions which in its view might put into effect the divestiture of the Tuko daily consumer goods business.

Arguments as to flexibility

- (11) Kesko has submitted that the Commission's powers, when ordering a divestiture within the meaning of Article 8 (4) of the Merger Regulation, are limited by the principle of proportionality to ordering remedial action which does not go beyond what is appropriate and necessary to attain the objective sought. Kesko has therefore submitted that the divestiture order set out in the statement pursuant to Article 18 should be adapted to allow for the highest possible degree of flexibility in order not to impose undue burdens on Kesko.

Taking this argument into account, the Commission has in this Decision allowed for the retention by Kesko of the shares in Tuko Oy, the possibility for Kesko to [...] the inclusion of provisions allowing, on the basis of the reasoned opinion of the trustee, for a divestiture not constituting an 'en bloc' solution.

⁽¹⁾ In the published version of this Decision, some information has been omitted or replaced by ranges and certain passages have not been reproduced, pursuant to Article 17 (2) of Regulation (EEC) No 4064/89 concerning non-disclosure of business secrets.

- (12) Kesko has also argued that the Commission, in addition to the limitations imposed by the proportionality principle, is subject to an additional restriction imposed by Article 22 (5) of the Merger Regulation, which states that the Commission is to take only the measures strictly necessary to maintain or restore effective competition within the territory of the Member State at the request of which it intervenes.

However, Article 22 (5) of the Merger Regulation simply limits the scope of any measures to the territory of the Member State concerned. Article 22 (3) of the Merger Regulation explicitly refers to Article 8 (4). This confirms that the Commission has the same powers within the meaning of Article 8 (4) of the Merger Regulation whether it acts on a request by a Member State or not.

Remedies proposed by Kesko

- (13) Kesko has submitted two proposals for divesting the Tuko business. However, the first proposal, which included the sale to [...] was withdrawn [...]. The second proposal, including the sale to a consortium of companies, was presented at a very late stage of the proceedings when a draft decision pursuant to Article 8 (4) had already been sent to the Member States, and a date fixed for discussion of that draft by the Advisory Committee on Concentrations. Furthermore, the proposal did not contain any explanation why it did not offer an 'en bloc' solution, but entailed the consortium buying different stakes in the total business of Tuko. Nor did it contain sufficient assurances that the buyers would be independent and unrelated to the Kesko group and have the necessary expertise and financial resources to constitute a viable competitor to Kesko. Finally, since no independent trustee has yet been appointed as foreseen in the statement pursuant to Article 18, the proposal included none of the guarantees for an appropriate divestiture as contained in the audit to be made by the trustee of the Tuko business or the reports by the trustee on prospective buyers.

On 11 February 1997 Kesko informed the Commission that it had signed contracts with a view to implementing the abovementioned second proposal. The signature of those contracts does not affect this Decision, in particular since the entry into force of these contracts was explicitly made dependent on the Commission's approval (by 30 April 1997).

Conclusion

- (14) For the above reason, and since the concentration has already been implemented, it is necessary to order Kesko, by virtue of Article 8 (4) of the Merger Regulation, to divest itself of the daily consumer goods business of Tuko Oy. In reaching the Decision, the Commission has taken into account Kesko's argument set out above regarding flexibility and the need not to go beyond what is appropriate and necessary to attain the objective sought, namely to restore effective competition on the Finnish markets for retail and cash-and-carry sales of daily consumer goods,

HAS ADOPTED THIS DECISION:

Article 1

Kesko is hereby ordered to divest the daily consumer goods business of Tuko Oy to a purchaser which must be a viable existing or prospective competitor, independent of and unrelated to the Kesko group and possessing the financial resources and proven expertise enabling it to maintain and develop the divested business as an active competitive force in competition with Kesko's daily consumer goods business (the purchaser standards).

Kesko shall, prior to the divestiture, ensure that the assets to be divested include the total business of Tuko Oy relating to sales of daily consumer goods. Moreover, that business shall be restored to the same competitive condition it was in before the acquisition of control by Kesko. This may require, *inter alia*, that any assets, tangible and intangible, relating to sales of daily consumer goods, which were held by Tuko Oy at the time of the concentration and are no longer held by it, be restored to Tuko Oy or, if necessary, be replaced at Kesko's expense. Moreover, all contracts entered into by or on behalf of Tuko Oy or any other organ of the Tuko group, in relation to its activities in the sales of daily consumer goods shall, to the extent that they are assignable, be transferred. To the extent that such contracts are not assignable, Kesko shall use its best efforts to have them transferred on a voluntary basis.

Article 2

1. Kesko shall, within 30 days of notification of this Decision, appoint an independent trustee, to be approved by the Commission, for monitoring the operation and management of the assets to be divested in accordance with Article 1.

2. Kesko shall ensure that the irrevocable mandate of the trustee includes the following rights and obligations:

- (a) to conduct an appropriate audit to identify all assets and contracts to be included in the divestiture in accordance with Article 1, for which purpose the trustee shall have access to all documents, books and records of the Tuko group and, to the extent that any assets held by the Tuko group at the time of the concentration are no longer held by it at the time of the audit, to all documents, books and records of the Kesko group;
- (b) to determine, on an on-going basis until final divestiture is completed, the best management structure of the divestiture package to ensure its viability, marketability and competitiveness;
- (c) to act as Kesko's investment banker in conducting good-faith negotiations with interested third parties with a view to selling the divestiture package 'en bloc' within the time limit set in Article 4;
- (d) to provide to the Commission a written report (with a copy to Kesko) on the result of the audit referred to at point (a) and, moreover, to provide to the Commission, on a monthly basis, written reports concerning the operations and management of the divestiture package, as well as on relevant developments in its negotiations with third parties interested in purchasing the divestiture package, including the time-frame within which an agreement with interested third parties would be implemented, and, in particular, sufficient information to enable the Commission to assess whether each bidder satisfies the purchaser standards.

If, in the trustee's opinion, an offer which does not meet the criteria set out in Article 1 would achieve the same result as the 'en bloc' solution, the trustee should set out the reasons for this in his report to the Commission. If the Commission, in accordance with point (e) does not indicate its disagreement, such an offer shall, for the purposes of this Decision, be considered valid;

- (e) to continue negotiations with an interested third party only if the Commission does not, within two weeks of receipt of the trustee's report, formally indicate that it does not agree that the third party satisfies the purchaser standards;
- (f) to receive remuneration from Kesko on a basis which will provide incentives for a prompt divestiture.

3. Kesko shall provide the trustee with all reasonable assistance required by him in carrying out his mandate, including, if appropriate, the appointment of independent personnel with adequate commercial and/or financial expertise.

Article 3

[...]

Article 4

1. The divestiture in accordance with Article 1 shall be completed within [...] of notification of this Decision. Kesko shall be deemed to have complied with this Decision if, within that time limit, a binding agreement for the sale of the divestiture package has been signed, provided that completion of the divestiture takes place within [...] from the date of such signature.

2. If more than one prospective purchaser unopposed by the Commission is available, Kesko shall be free to select the offer of its choice.

3. In the event that it should prove impossible to sign a binding agreement within the [...] period referred to in paragraph 1, the Commission may, on request from Kesko and on the trustee showing good cause, extend that period. In such case, Kesko shall give the trustee an irrevocable mandate to sell the divestiture package on the best possible terms and conditions, [...]. In any event, the divestiture must be fully completed by [...].

Article 5

This Decision is addressed to:

Kesko Oy
Satamakatu 3
FIN-00160 Helsinki.

Done at Brussels, 19 February 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 19 June 1997

suspending the buying-in of butter in certain Member States

(Only the Danish, German, Greek, French, English, Dutch, Finnish and Swedish texts are authentic)

(97/410/EC)

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 the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Decision 97/366/EC ⁽⁶⁾ suspends the buying-in of butter in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, Greece, France, Ireland, Luxembourg, the Netherlands, Austria, Finland, Sweden, Great Britain and Northern Ireland; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Greece, France, Ireland, Luxembourg, the Netherlands, Austria, Finland, Sweden, Great-Britain and Northern Ireland.

Article 2

Decision 97/366/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, Ireland, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 19 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁵⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁶⁾ OJ No L 154, 12. 6. 1997, p. 50.

COMMISSION DECISION

of 19 June 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/411/EC)

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EC) No 619/96⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽³⁾, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 July 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 June 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 250 tonnes originating in Botswana,
- 60 tonnes originating in Madagascar.

The Netherlands:

- 100 tonnes originating in Botswana.

United Kingdom:

- 150,000 tonnes originating in Botswana,
- 5,000 tonnes originating in Swaziland,
- 83,341 tonnes originating in Zimbabwe,
- 350,000 tonnes originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of July 1997 for the following quantities of boned beef and veal:

- | | |
|---------------|--------------------|
| — Botswana: | 13 606,000 tonnes, |
| — Kenya: | 142,000 tonnes, |
| — Madagascar: | 7 219,000 tonnes, |
| — Swaziland: | 3 238,000 tonnes, |
| — Zimbabwe: | 6 954,659 tonnes, |
| — Namibia: | 9 970,000 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ No L 84, 3. 4. 1996, p. 22.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

COMMISSION DECISION

of 1 July 1997

terminating the anti-dumping proceeding concerning imports of certain luggage and travel goods originating in the People's Republic of China

(97/412/EC)

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 Articles 9, 17 (4) and 18 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Initiation

- (1) In March 1996, the Commission received a complaint concerning alleged injurious dumping caused by imports of certain luggage and travel goods originating in the People's Republic of China.

The complaint was lodged by Cedim (Comité Européen des Industries de la Maroquinerie) on behalf of Community producers of the product in question, whose collective output was alleged to represent a major proportion of Community production of suitcases, travelling bags and sports bags.

The complaint contained evidence of dumping by the imports concerned and of material injury resulting therefrom which was considered sufficient to justify the initiation of an anti-dumping proceeding.

- (2) The Commission, after consultation, accordingly announced by a notice published in the *Official*

Journal of the European Communities⁽³⁾ the initiation of an anti-dumping proceeding with regard to the imports of suitcases, travelling bags and sports bags falling within CN codes ex 4202 12 19, ex 4202 12 99, ex 4202 92 11 and ex 4202 92 91 and commenced an investigation.

2. Investigation

2.1. Written submissions and hearings

- (3) The Commission officially informed the exporters and importers known to be concerned, the representatives of the exporting country and the complainant Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

- (4) A number of producers in the country concerned as well as Community producers and importers made their views known in writing. All parties who so requested within the above time limit were granted a hearing.

2.2. Sampling of Community producers

- (5) In view of the large number of Community producers manufacturing the product concerned in the Community and supporting the complaint, and in conformity with Article 17 (1) of Council Regulation No 384/96 (hereinafter referred to as 'the Basic Regulation'), it was considered appropriate to limit the investigation to a sample of producers which could reasonably be investigated within the time available. In a first step, four Member States — France, Italy, Spain and Portugal — whose production represented a large majority of Community production of suitcases, travelling bags and sports bags were found to be representative of the whole Community market. In a second step, three producers located in each of these Member States were sampled according to their size, constituting a representative spread of production and employment. The sampled companies were selected from

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 111, 17. 4. 1996, p. 4.

a list of manufacturers of the product concerned, whose turnover was considered representative for that country, submitted by the respective National Associations. The Community producers thus sampled were sent questionnaires.

- (6) Parties concerned who, following the notice of initiation, had expressed their wish to be consulted by the Commission on the final selection of the sample, were thus given disclosure of the sampled companies and of the methodology used for their selection. None of these objected to this selection.
- (7) In this context, after this disclosure, the Commission received notice of actual threats of commercial retaliation against some of the sampled Community producers by some of their customers, who are also importers and major retailers in the Community. Certain sampled Community producers were subjected to severe commercial pressure at an advanced stage of the investigation in an effort to persuade them to withdraw their support for the complaint. It was therefore considered appropriate not to make any further disclosure of the names of these companies.

2.3. Investigation period

- (8) The period of investigation for the determination of dumping was 1 April 1995 to 31 March 1996 (hereinafter referred to as 'the investigation period'). The examination of injury covers the period January 1992 to the end of the investigation period.

B. COMMUNITY INDUSTRY

- (9) After the initial definition of the sample of Community producers, the representativity of this sample has been seriously affected by the following facts:

— Concerning Italy, one company selected for the sample refused to cooperate and even withdrew its support for the complaint for the reason that imports from the People's Republic of China constitute the core of its business at present. Another company selected had only restarted production in December 1995, after an interruption of production for over one year. In order to remain in the business, sales of this company during the investigation period were, however, made at unrepresentative prices.

For another Italian sampled company the product under investigation was unrepresentative of the total activities of the company, covering only 1 % of its total turnover. In addition,

of the three lines it sold, one is imported from the People's Republic of China representing a substantial part of the turnover for the product concerned for that company.

— Concerning France, one company manufactured only travelling bags and not suitcases.

— Another company selected for France only manufactured and sold a negligible amount of travelling bags in the investigation period, while it did not manufacture suitcases. In addition, most of the luggage and travel goods sold by this company are imported from the People's Republic of China.

— For Portugal one of the companies selected communicated its unavailability to complete the questionnaire, despite being granted an extension for completing it.

- (10) It thus follows that the sample initially selected became unrepresentative. Efforts were made by the Commission and by the National Associations concerned to select a new sample, as provided for in Article 17 (4) of the Basic Regulation. However, contacts with other companies provided in the lists submitted by the National Associations concerned proved unsuccessful in this regard.

- (11) Faced with this degree of non-cooperation on the part of the Community producers selected for the sample, it cannot be reasonably concluded that any data compiled from the cooperating companies in any way reflects the situation of the entire industry.

C. TERMINATION OF THE PROCEEDING

- (12) In view of the above lack of cooperation from the Community producers manufacturing the product concerned, the anti-dumping proceeding concerning imports of certain luggage and travel goods originating in the People's Republic of China should be terminated.

- (13) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the proceeding and were given the opportunity to comment. No information was received indicating that such termination would not be in the Community interest.

- (14) The Advisory Committee has been consulted and raised no objection.

- (15) In the light of the above, the Commission, in accordance with Article 9 of the Basic Regulation, concludes that protective measures are unnecessary and that the proceeding should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of certain luggage and travel goods, falling within CN codes ex 4202 12 19, ex 4202 12 99, ex 4202 92 11, ex 4202 92 91 originating in the People's Republic of China is hereby terminated.

Done at Brussels, 1 July 1997.

For the Commission

Leon BRITTAN

Vice-President
