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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1375/97

of 17 July 1997

amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1981/94 of 25 July 1994 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas⁽¹⁾, as last amended by Regulation (EC) No 592/97⁽²⁾, and in particular Articles 6 and 7 thereof,

Whereas with the amending Council Regulations (EC) No 3057/95⁽³⁾ and (EC) No 1877/96⁽⁴⁾, Community tariff quotas were opened in Annex IV for tomatoes, courgettes, artichokes, cucumbers, oranges and clementines originating in Morocco with the application of special entry prices in order to advance the implementation of certain provisions of the agricultural part of the future Euro-Mediterranean Agreement between the Community and Morocco;

Whereas these provisions provide that the special entry prices shall be reduced in the same proportions and at the same time as the entry prices bound within the WTO; whereas it seems therefore appropriate to amend Regulation (EC) No 1981/94 in order to publish for future marketing years, the reduced entry prices applicable within the framework of Community tariff quotas for agricultural products concerned originating in Morocco;

Whereas the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the Euro-

pean Community and the PLO for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip⁽⁵⁾, provides no tariff quotas different from those currently applicable within the framework of Council Regulation (EEC) No 1134/91⁽⁶⁾, as last amended by Regulation (EC) No 539/96⁽⁷⁾, on the tariff arrangements applicable to imports into the Community of products originating in the West Bank and the Gaza Strip; whereas it is therefore not necessary to amend Regulation (EC) No 1981/94 at the entry into force of the Agreement referred to;

Whereas the measures provided in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Footnote 5 at the end of Annex IV to Regulation (EC) No 1981/94 shall be replaced by the following:

⁽⁵⁾ Within these tariff quotas, the agreed entry price from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

(a) for tomatoes:

— ECU 484/tonne, from 1 January to 31 March and from 1 October to 31 December 1997,

— ECU 476/tonne, from 1 January to 31 March and from 1 October to 31 December 1998,

⁽¹⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽²⁾ OJ No L 89, 4. 4. 1997, p. 1.

⁽³⁾ OJ No L 326, 30. 12. 1995, p. 3.

⁽⁴⁾ OJ No L 249, 1. 10. 1996, p. 1.

⁽⁵⁾ OJ No L 187, 16. 7. 1997, p. 1.

⁽⁶⁾ OJ No L 112, 4. 5. 1991, p. 1.

⁽⁷⁾ OJ No L 79, 29. 3. 1996, p. 6.

- ECU 468/tonne, from 1 January to 31 March and from 1 October to 31 December 1999,
 - ECU 461/tonne, for every period thereafter, from 1 January to 31 March and from 1 October to 31 December;
- (b) for cucumbers:
- ECU 480/tonne, from 1 January to 31 May and from 1 November to 31 December 1997,
 - ECU 470/tonne, from 1 January to 31 May and from 1 November to 31 December 1998,
 - ECU 459/tonne, from 1 January to 31 May and from 1 November to 31 December 1999,
 - ECU 449/tonne, for every period thereafter, from 1 January to 31 May and from 1 November to 31 December;
- (c) for globe artichokes:
- ECU 588/tonne, from 1 November to 31 December 1997,
 - ECU 582/tonne, from 1 November to 31 December 1998,
 - ECU 577/tonne, from 1 November to 31 December 1999,
 - ECU 571/tonne, for every period thereafter, from 1 November to 31 December;
- (d) for courgettes:
- ECU 440/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1997,
- ECU 435/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1998,
 - ECU 429/tonne, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December 1999,
 - ECU 424/tonne, for every period thereafter, from 1 to 31 January, from 1 to 20 April and from 1 October to 31 December,
 - during the period 1 February to 31 March the 'WTO' entry price which is more favourable than the agreed entry prices shall apply;
- (e) for oranges:
- ECU 271/tonne, from 1 December 1997 to 31 May 1998,
 - ECU 268/tonne, from 1 December 1998 to 31 May 1999,
 - ECU 266/tonne, from 1 December 1999 to 31 May 2000,
 - ECU 264/tonne, for every period thereafter, from 1 December to 31 May;
- (f) for clementines:
- ECU 493/tonne, from 1 November 1997 to the end of February 1998,
 - ECU 490/tonne, from 1 November 1998 to the end of February 1999,
 - ECU 487/tonne, from 1 November 1999 to the end of February 2000,
 - ECU 484/tonne, for every period thereafter, from 1 November to the end of February.'
- Article 2*
- This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 17 July 1997.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION REGULATION (EC) No 1376/97

of 17 July 1997

opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 1997 to 30 June 1998)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas under schedule CXL the Community undertook to open an annual import tariff quota of 169 000 head of young male bovine animals for fattening; whereas the rules of application for that quota for the period 1 July 1997 to 30 June 1998 must be established;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening should be taken into account; whereas, as those requirements are apparent particularly in Italy and Greece, priority should be given to satisfying demand in those two Member States;

Whereas a method of management should be applied which is comparable to that used in the past for corresponding quotas, involving, in particular, a continuation of the method of allocation between traditional importers and traders furnishing proof of active involvement in trade in live animals with third countries;

Whereas it should be stipulated that the arrangements are to be managed using import licences; whereas to this end rules should be laid down on submission of applications and the information to be given on applications and licences, where applicable by way of derogation from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for certain agricultural products⁽²⁾, as last amended by Regulation (EC) No 495/97⁽³⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁴⁾, as last amended by Regulation (EC) No 266/97⁽⁵⁾;

Whereas the application of this tariff quota requires strict surveillance of imports and effective checks as to their use

and destination; whereas, therefore, importation must take place into the Member State which issued the import licence;

Whereas a security should be lodged in order to guarantee that the animals are fattened for at least 120 days in designated production units; whereas the amount of the security should be fixed taking into account the difference between the customs duties applicable inside and outside the quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota of 169 000 head of live male bovine animals falling within CN codes 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is hereby opened for the period 1 July 1997 to 30 June 1998.

The serial number of the quota shall be 09.4005.

2. The customs import duty to apply for the quota referred to in paragraph 1 shall be ECU 582 per tonne plus 16 % *ad valorem*.

Application of these rates of duty shall be conditional upon the fattening of the imported animals in the Member State of importation for a period of at least 120 days.

The conversion rate for the duty expressed in ecus shall be the agricultural conversion rate applicable on the day of importation.

3. For the purpose of this Regulation, the day of importation is the day of acceptance of the declaration of release for free circulation.

Article 2

1. The quantities referred to in Article 1 (1) shall be allocated for importation into the following Member States:

- | | |
|------------------------|---------------|
| a) Italy: | 143 650 head; |
| b) Greece: | 21 970 head; |
| c) other Member States | 3 380 head. |

2. Within each of the quantities referred to in paragraph 1 (a) and (b), import rights relating to:

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 77, 19. 3. 1997, p. 12.

⁽⁴⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁵⁾ OJ No L 45, 15. 2. 1997, p. 1.

- 80 % of the quantity shall be allocated directly to importers who provide proof of having imported animals under the Regulations referred to in the Annex during the last three calendar years; the number of head shall be allocated in proportion to the number of head imported in the three years concerned,
- 20 % of the quantities shall be allocated directly to traders proving that in 1996 they exported to and/or imported from third countries at least 50 live animals falling within CN code 0102 90, excluding imports under the Regulations referred to in the Annex.

Applications for import rights shall be presented:

- in Italy for the quantities referred to in paragraph 1 (a),
 - in Greece for the quantities referred to in paragraph 1 (b).
3. The quantities referred to in paragraph 1 (c) shall be allocated to traders providing proof that in 1996 they exported to and/or imported from third countries at least 50 live animals falling within CN code 0102 90.

Applications for import rights shall be presented in the Member State, other than Italy and Greece, where the applicant is entered on the national value added tax register.

4. The quantities referred to in the second indent of the first subparagraph of paragraph 2 and in paragraph 3 shall be allocated to each eligible operator in proportion to the quantities applied for.

5. Proof of import and/or export shall be provided solely by means of customs documents of release for free circulation or export documents.

Member States may accept copies of those documents duly certified by the competent authorities.

Article 3

1. Traders who were no longer engaged in trade in live animals on 1 July 1997 shall not qualify for the arrangements provided for in this Regulation.
2. Companies arising from mergers where each constituent part has right pursuant to the first subparagraph of Article 2 (2) shall enjoy the same rights as the companies from which they are formed.

Article 4

1. An application for import rights shall be valid only if it is lodged by a trader who is entered on a national value added tax register.

2. Applications for import rights shall not exceed the number of head available.

Where, under any one category referred to in Article 2 (2) and (3), an applicant submits more than one application, all such applications shall be rejected.

3. For the purposes of Article 2 (2) and (3), applications accompanied by the necessary proofs must reach the competent authorities not later than 22 July 1997.

4. As regards applications under Article 2 (3), after verification of the documents presented, Member States shall forward to the Commission by 12 August 1997 at the latest a list of applicants and quantities applied for.

The Commission shall decide as soon as possible to what extent applications may be accepted. Where the quantities applied for exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

Article 5

1. Any import of animals for which import rights have been allocated shall be subject to presentation of an import licence.

2. The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to the provisions of this Regulation.

3. Licence applications may be lodged solely:

- in the Member State where the application for import rights was lodged, and
- by the traders to whom import rights have been allocated in accordance with Articles 2 and 4.

4. Licences shall be issued up to 31 December 1997 for a maximum of 50 % of the allocated import rights. Import licences for the remaining quantities shall be issued from 2 January 1998.

5. Licence applications and licences shall contain:

- (a) in Section 8, the country of origin;
- (b) in Section 16, the following CN codes: 0102 90 05, 0102 90 29, 0102 90 49;
- (c) in Section 20, the following particulars:
'Live male bovine animals of a live weight not exceeding 300 kg per head (Regulation (EC) No 1376/97) Licence valid in ... (Member State issuing the licence)'.

Article 6

1. Import licences issued under this Regulation shall be valid for 90 days from their date of issue. However, no licences shall be valid after 30 June 1998.

2. Article 8 (4) of Regulation (EEC) No 3719/88 shall not be applicable.

3. The second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

4. By way of derogation from Article 33 (3) (b) (ii) of Regulation (EEC) No 3719/88 the maximum time limit for producing proof of import with loss of the security limited to 15 % shall be four months.

Article 7

1. The animals concerned shall be imported into the Member State issuing the import licence.

2. At the time of importation, the importer shall give a written undertaking to inform the competent authority within one month of the farm or farms where the young animals are to be fattened.

3. At the time of importation, a security of ECU 611 per tonne shall be lodged with the competent authority guaranteeing that the animals imported will be fattened in the importing Member State for a period of at least 120 days from the date of importation.

4. Except in cases of *force majeure*, the security shall be released only if proof is furnished to the competent authority of the importing Member State that the young bovine animals:

- (a) have been fattened on the farm or farms indicated pursuant to paragraph 2;
- (b) have not been slaughtered before the expiry of a period of 120 days from the date of importation; or
- (c) have been slaughtered before the expiry of that period for health reasons or have died as a result of sickness or accident.

The security shall be released immediately after such proof has been furnished.

However, where the time limit referred to in paragraph 2 has not been observed, the amount of the security to be released shall be reduced by:

- 15 %, and by
- 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as customs duty.

5. If the proof referred to in paragraph 4 is not furnished within 180 days from the date of importation, the security shall be forfeited and retained as customs duty.

However, if such proof has not been furnished within 180 days but is produced within 18 months following the said

period of 180 days, the amount forfeited, less 15 % of the security amount, shall be repaid.

Article 8

1. Not later than three weeks after importation of the animals concerned, the importer shall communicate to the competent authority which issued the import licence the number and origin of the animals imported, broken down by CN code. That authority shall forward the information to the Commission at the beginning of each month.

2. Not later than four months after each half of the year of import the competent authority in question shall communicate to the Commission the quantities of products referred to in Article 1 for which import licences issued under this Regulation have been used during the past half-year.

3. All communications to the Commission under this Regulation, including 'nil' ones, shall be sent to the address given in Annex II.

Article 9

1. When applying for an import licence, the importer must provide a security of ECU 1 per animal relating to the communication referred to in Article 8 (1) sent by the importer to the competent authority.

2. The security relating to the communication shall be released if the communication is sent to the competent authority within the time limit specified in Article 8 (1) for the quantity covered by the communication. If not, the security shall be forfeited.

The decision on release of the security shall be made at the same time as that on release of the security relating to the licence.

Article 10

1. Animals imported under this Regulation shall be identified by:

- an indelible tattoo, or
- an official or officially approved earmark on at least one ear.

2. The tattoo or mark shall be so designed that a record made by the competent authority when the animal is released for free circulation can be used to establish the date on which it was put into free circulation and the identity of the importer.

Article 11

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

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

Done at Brussels, 17 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Regulations referred to in Article 2 (2)

Commission Regulations:

- (EC) No 336/94 (OJ No L 43, 16. 2. 1994, p. 7)
- (EC) No 656/94 (OJ No L 82, 25. 3. 1994, p. 17)
- (EC) No 1373/94 (OJ No L 151, 17. 6. 1994, p. 8)
- (EC) No 2321/94 (OJ No L 253, 29. 9. 1994, p. 5)
- (EC) No 3171/94 (OJ No L 335, 23. 12. 1994, p. 47)
- (EC) No 692/95 (OJ No L 71, 31. 3. 1995, p. 48)
- (EC) No 1462/95 (OJ No L 144, 28. 6. 1995, p. 6)
- (EC) No 1119/96 (OJ No L 149, 22. 6. 1996, p. 4).

ANNEX II

European Commission
DG VI-D.2 — Beef/veal and sheepmeat,
Rue de la Loi/Wetstraat 130
B-1049 Brussels.
Fax: (32-2) 295 36 13.

COMMISSION REGULATION (EC) No 1377/97

of 17 July 1997

determining the extent to which applications lodged in July 1997 for certain milk and milk products covered by the arrangements provided for in the free-trade Agreements concluded by the Community with the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1713/95 of 13 July 1995 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Association Agreements between the Community and the Baltic States⁽¹⁾, as last amended by Regulation (EC) No 2389/96⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the products referred to in Regulation (EC) No 1713/95 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should be fixed for certain of the quantities applied for the period 1 July to 30 September 1997,

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EC) No 1713/95 for the period 1 July to 30 September 1997 shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 163, 14. 7. 1995, p. 5.

⁽²⁾ OJ No L 326, 17. 12. 1996, p. 24.

ANNEX

Country	Republic of Estonia			Republic of Latvia			Republic of Lithuania			
	0402 10 19 0402 21 19	0405 10 11 0405 10 19 Butter	0406 Cheeses	0402 10 19 0402 21 19	0405 10 Butter	0406	0402 10 19 0402 21 19	0405 10 11 0405 10 19 Butter	0406	0402 99 11
CN codes										
in %	0,9	1,1	100,—	1,7	1,3	4,8	0,9	1,—	19,—	—

COMMISSION REGULATION (EC) No 1378/97
of 17 July 1997

**determining the extent to which applications in the beef and veal sector for
import rights lodged pursuant to Regulation (EC) No 1042/97 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 1042/97 of 10 June 1997 opening and providing for the administration of a tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (from 1 July 1997 to 30 June 1998)⁽¹⁾, and in particular Article 5 thereof,

Whereas Regulation (EC) No 1042/97 provides in particular for the quantities reserved for traditional importers to be allocated in proportion to their imports during the period 16 March 1994 to 31 March 1997; whereas in the other cases the quantities applied for exceed the quantities available under Article 2 (2) of that Regulation; whereas, therefore, the quantities applied for should be reduced on a proportional basis in accordance with Article 5 (2) of Regulation (EC) No 1042/97,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1042/97 shall be granted to the following extent:

- (a) 244,076 kg per tonne imported during the period 16 March 1994 to 31 March 1997 for importers as defined in Article 2 (1) (a) of Regulation (EC) No 1042/97;
- (b) 8,818 tonnes per application in the case of operators as defined in Article 2 (2) of Regulation (EC) No 1042/97.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 152, 11. 6. 1997, p. 2.

COMMISSION REGULATION (EC) No 1379/97**of 17 July 1997****fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EC) No 1337/97**

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 Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 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⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any

tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 July to 17 July 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 14,92 per tonne.

Article 2

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

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

Done at Brussels, 17 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 1380/97

of 17 July 1997

fixing the maximum export refund on rye in connection with the invitation to
tender issued in Regulation (EC) No 1338/97

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 organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 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⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1338/97⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any

tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 July to 17 July 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1338/97, the maximum refund on exportation of rye shall be ECU 23,19 per tonne.

Article 2

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

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

Done at Brussels, 17 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 147, 30. 6. 1995, p. 7.
⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.
⁽⁵⁾ OJ No L 184, 12. 7. 1997, p. 4.

COMMISSION REGULATION (EC) No 1381/97

of 17 July 1997

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1339/97

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 Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 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⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1339/97⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any

tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 July to 17 July 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 0,87 per tonne.

Article 2

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

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

Done at Brussels, 17 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 184, 12. 7. 1997, p. 7.

COMMISSION REGULATION (EC) No 1382/97**of 17 July 1997****on the issuing of system B export licences for fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 5 (6) thereof,

Whereas Commission Regulation (EC) No 687/97⁽³⁾ fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of shelled almonds, lemons, peaches and nectarines;

Whereas as a consequence, for system B licences applied for between 6 May and 30 June 1997, a percentage for the issuing of licences, should be fixed for shelled almonds, lemons, peaches and nectarines,

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 6 May and 30 June 1997, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ No L 102, 19. 4. 1997, p. 4.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 6 May and 30 June 1997

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (ECU/tonne net)
Tomatoes			
Shelled almonds	F	92 %	77,9
Hazelnuts in shell	F	100 %	91,0
Shelled hazelnuts	F	100 %	175,6
Walnuts in shell			
Oranges			
Lemons	F	56 %	108,7
Table grapes			
Apples			
Peaches and nectarines	E	30 %	40,2

COMMISSION REGULATION (EC) No 1383/97
of 17 July 1997
fixing production refunds on cereals and rice

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 18,13 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 12,69 per tonne.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 1384/97

of 17 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 vege-
tables⁽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 Regu-
lation (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 multila-
teral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third
countries, in respect of the products and periods stipu-
lated 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 18 July 1997.

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

Done at Brussels, 17 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 17 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
0709 90 77	052	83,6
	999	83,6
0805 30 30	366	58,4
	388	67,4
	524	51,3
	528	58,3
	999	58,9
0808 10 71, 0808 10 73, 0808 10 79	388	85,1
	400	86,8
	508	89,2
	512	65,7
	524	72,4
	528	67,2
	800	162,7
	804	92,6
	999	90,2
	388	60,8
0808 20 51	512	27,7
	528	45,3
	804	84,8
	999	54,7
0809 10 40	064	124,1
	999	124,1
0809 20 59	052	237,8
	064	187,0
	068	157,0
	400	228,8
	616	187,1
	999	199,5
0809 40 30	624	270,2
	999	270,2

⁽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 1385/97
of 17 July 1997

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾;

Whereas export possibilities exist for a quantity of 15 000 tonnes of maize to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 932/97⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 135, 27. 5. 1997, p. 2.

ANNEX

**to the Commission Regulation of 17 July 1997 fixing the export refunds on cereals and on wheat
or rye flour, groats and meal**

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	1,00
1001 90 91 9000	—	—	1101 00 15 9130	01	1,00
1001 90 99 9000	—	—	1101 00 15 9150	01	0,50
1002 00 00 9000	03	13,00	1101 00 15 9170	01	0
	02	0	1101 00 15 9180	01	0
1003 00 10 9000	—	—	1101 00 15 9190	—	—
1003 00 90 9000	03	5,00	1101 00 90 9000	—	—
	02	0	1102 10 00 9500	01	30,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1007 00 90 9000	—	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	—	— ⁽²⁾
			1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

01 All third countries,

02 Other third countries,

03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1386/97

of 17 July 1997

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 17 July 1997 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	—	—	—	—	—	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	—	—	—	—	—	—	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1387/97
of 17 July 1997

**temporarily suspending the issue of export licences for certain milk products
and determining the extent to which export licences may be issued against
applications currently pending**

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⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products

for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk products falling within CN code 0406 is hereby suspended for the period 18 July to 24 July 1997.
2. Licences shall be issued for products falling within CN code 0406 submitted before 18 July 1997 for which applications are still pending.

Article 2

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 17 July 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 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.