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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1468/97
of 22 July 1997**

amending Regulation (EEC) No 3650/90 on measures to strengthen the application of the common quality standards for fruit and vegetables in Portugal

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 a programme of measures to improve the application of the common quality standards for fruit and vegetables and to strengthen the arrangements for checking compliance with those standards must be implemented in Portugal over a five-year period in accordance with Regulation (EEC) No 3650/90 ⁽³⁾;

Whereas the Portuguese programme was approved by the Commission on 4 April 1992 and whereas Portugal, for reasons connected with restructuring of the administration, has fallen behind in implementing the measures provided for in that programme, which expires on 4 April 1997;

Whereas on 14 October 1996 the Portuguese authorities requested the Commission for an extension of the programme to 31 December 1999;

Whereas, in order to allow Portugal to continue implementing the measures already approved by the Commission, the time limit for implementation of the programme

should be extended to 30 September 1999 and all measures, including Community financing, should be fully settled by 15 November 1999,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3650/90 is hereby amended as follows:

1. in the first subparagraph of Article 1 (1), the words 'over a five-year period' shall be replaced by the words 'by 30 September 1999'.
2. Article 3 (1) shall be replaced by the following:
'1. The Community shall contribute 80 % of eligible expenditure as defined pursuant to Article 4 incurred in carrying out the measures referred to in Article 2.

The programme provided for in Article 1 must be fully implemented by 30 September 1999 and settled, including Community financing, by 15 November 1999.'

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, 22 July 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ No C 208, 9. 7. 1997, p. 7.

⁽²⁾ Opinion delivered on 18 July 1997 (not yet published in the Official Journal).

⁽³⁾ OJ No L 362, 27. 12. 1990, p. 22.

COUNCIL REGULATION (EC) No 1469/97

of 22 July 1997

derogating from certain provisions in Regulation (EEC) No 1765/92 establishing
a support system for producers of certain arable crops

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Whereas the support system for producers of certain arable crops established by Regulation (EEC) No 1765/92⁽²⁾ provides that, in order to qualify for compensatory payments under the general scheme, producers must set aside a predetermined percentage of their arable land; whereas this percentage is to be reviewed to take account of production and market developments;

Whereas, since the introduction of this system, the cereals market has achieved a better balance as a result of an increase in Community consumption; whereas this situation, together with the very low level of stocks and firm prices on the markets has also resulted in a significant reduction in public stocks and firm prices for cereals on the Community market;

Whereas, in the light of the present market situation for cereals and to avoid jeopardizing the Community's presence on the world market, the rate for set-aside beginning not later than 15 January 1998 should therefore be set for the 1998/1999 marketing year at the same level as for the 1997/1998 marketing year and the application of special set-aside should be suspended where the base area under the 1997/1998 marketing year is exceeded; whereas, as a corollary to this provision, the level of the penalty for exceeding an 'irrigated' ceiling should be made less severe;

Whereas in the event of a transfer of the set-aside requirement, the basic 17,5 % set-aside rate is increased by 3 %;

whereas this increase should be adjusted in order to maintain a similar ratio between the basic rate and the percentage increase due on transfer, following the drop in the basic rate; whereas, in the event of a transfer of the set-aside requirement to areas which are sensitive from an environmental point of view, it is appropriate not to apply the abovementioned increase,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1998/1999 marketing year, notwithstanding Article 7 of Regulation (EEC) No 1765/92:

- the set-aside requirement referred to in paragraph 1 of that Article shall be set at 5 %;
- the increase referred to in the second indent of paragraph 7 of that Article shall be set at 1 percentage point. However, no increase shall apply to transfers executed to a particular area where environmental objectives are achieved.

Article 2

Should the base area under the 1997/1998 marketing year be exceeded, the special set-aside referred to in the second indent of Article 2 (6) of Regulation (EEC) No 1765/92 shall not apply.

Article 3

For the 1997/1998 marketing year, notwithstanding the sixth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92, where an 'irrigated' ceiling is exceeded, the compensatory payment for the 'irrigated' rate shall in all cases be reduced proportionally to the rate of the overshoot recorded.

Article 4

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

⁽¹⁾ Opinion delivered on 18 July 1997 (not yet published in the Official Journal).

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 922/97 (OJ No L 133, 24. 5. 1997, p. 1).

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

Done at Brussels, 22 July 1997.

For the Council

The President

F. BODEN

COMMISSION REGULATION (EC) No 1470/97

of 28 July 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

Article 1

Six sales by individual invitation to tender Nos 224/97 EC, 225/97 EC, 226/97 EC, 227/97 EC, 228/97 EC and 229/97 EC shall be held for a total quantity of 300 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35 and 36 of Regulation (EEC) No 822/87 and held by the Spanish, Italian and French intervention agencies.

Each of the individual invitations to tender Nos 224/97 EC, 225/97 EC, 226/97 EC, 227/97 EC, 228/97 EC and 229/97 EC shall cover a quantity of 50 000 hectolitres of alcohol at 100 % volume.

Article 2

The alcohol offered for sale:

- shall be for export outside the European Community,
- must be imported into and dehydrated:
 - in the case of individual invitations to tender Nos 224/97 EC, 225/97 EC and 226/97 EC one of the following third countries:
 - Costa Rica,
 - Guatemala,
 - Honduras, including the Swan Islands,
 - El Salvador,
 - Nicaragua,
 - in the case of individual invitations to tender Nos 227/97 EC, 228/97 EC and 229/97 EC one of the following third countries:
 - St Kitts and Nevis,
 - Bahamas,
 - Dominican Republic,
 - Antigua and Barbuda,
 - Dominica,
 - British Virgin Islands and Montserrat,
 - Jamaica,
 - Saint Lucia,
 - Saint Vincent, including the Northern Grenadines,
 - Barbados,
 - Trinidad and Tobago,
 - Belize,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁶⁾ OJ No L 196, 5. 8. 1993, p. 19.

- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
- Guyana,
- United States Virgin Islands,
- Haiti,

— must be used only as motor fuel.

Article 3

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

Article 4

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

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

Article 5

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

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

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

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

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

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

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

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

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

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

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

Article 6

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 28 February 1998 at the latest.

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

Article 7

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

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 8

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

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

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

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

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

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

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

Article 9

1. Successful tenderers for the individual invitations to tender Nos 224/97 EC, 225/97 EC and 226/97 EC may,

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

Done at Brussels, 28 July 1997.

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

2. Successful tenderers for the individual invitations to tender Nos 227/97 EC, 228/97 EC and 229/97 EC may, by common agreement, exchange an equal quantity of alcohol stored in the designated vats in the same Member State for the purposes provided for in those invitations to tender.

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

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

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

Article 10

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

Article 11

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 224/97 EC

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

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	14	32 965	35 + 36	Raw alcohol
	Villarrobledo	15	14 078	35 + 36	Raw alcohol
	Tomelloso	5	2 957	35 + 36	Raw alcohol
	Total		50 000		

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 224/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

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

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

- (a) include a reference to individual sale by tender No 224/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

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

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

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

INDIVIDUAL INVITATION TO TENDER No 225/97 EC

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

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

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 225/97 EC (alcohol)', DG VI (E-2), to be opened only at the meeting of the group, which itself must be enclosed in an envelope addressed to the Commission.

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

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

- (a) include a reference to individual sale by tender No 225/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

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

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

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

INDIVIDUAL INVITATION TO TENDER No 226/97 EC

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

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Balice Snc — Valenzano (BA)		3 000	35	Raw alcohol
	Dist. Bertolino SpA — Partinico (Pa)		300	35	Raw alcohol
	Dist. Bonollo SpA — Anagni-Paduni (Fr)		12 600	35	Raw alcohol
	Dist. DCA SpA — Ascoli Piceno (Via Pennile di Sopra)		1 000	35	Raw alcohol
	Dist. De Luca Sas — Fiduciario di Fabbrica		3 300	35	Raw alcohol
	Dist. di Lorenzo Srl — Ponte Valleceppi (Pg)		5 500	35	Raw alcohol
	Dist. di Trani SpA — Trani-Foggia		2 400	35	Raw alcohol
	Dist. Enodistil SpA — Fiduciario Alcamo (Tp)		5 400	35	Raw alcohol
	Dist. F.lli Russo Snc — Deposito Fiduciario		600	35	Raw alcohol
	Dist. GE.DIS. SpA — Marsala-C. da Bartolotta		4 200	35	Raw alcohol
	Dist. Kronion Srl — Sussidiario Sciaccu (Ag)		4 500	35	Raw alcohol
	Dist. Palma F. SpA — Palo del Colle (Ba)		600	35	Raw alcohol
	Dist. SAPIs SpA — Castel San Giorgio (Sa)		2 400	35	Raw alcohol
	Dist. SVA SpA — Ortona (Ch)		2 700	35	Raw alcohol
	Dist. Vinum SpA — Marsala (Tp)		1 500	35	Raw alcohol
	Total		50 000		

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 226/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21 August 1997.
5. Tenders must state the name and address of the tenderer and must:
 - (a) include a reference to individual sale by tender No 226/97 EC;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

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

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

INDIVIDUAL INVITATION TO TENDER No 227/97 EC

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

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Deulep Bld Chanzy 30800 Saint-Gilles-du-Gard	73	26 630	35 + 36	Raw alcohol
		1	23 370	35 + 36	Raw alcohol
	Total		50 000		

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 227/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

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

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

- (a) include a reference to individual sale by tender No 227/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

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

- SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. (05) 57 55 20 00; telex 572 025; fax (05) 57 55 20 59).

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

INDIVIDUAL INVITATION TO TENDER No 228/97 EC

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

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Deulep Bld Chanzy 30800 Saint-Gilles-du-Gard	1	3 230	35 + 36	Raw alcohol
		72	46 770	35 + 36	Raw alcohol
	Total		50 000		

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 228/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

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

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

- (a) include a reference to individual sale by tender No 228/97 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

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

- SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. (05) 57 55 20 00; telex 572 025; fax (05) 57 55 20 59).

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

INDIVIDUAL INVITATION TO TENDER No 229/97 EC

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

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Caviro Srl — Deposito Fiscale Faenza		14 400	35	Raw alcohol
	Dist. d'Auria SpA — Ortona (Ch)		4 500	35	Raw alcohol
	Dist. Deta Srl — Barberino Velsa (Fi)		600	35	Raw alcohol
	Dist. DI.CO.VI.SA. Srl — Grogastu Deposito Fiscale (Ca)		1 800	35	Raw alcohol
	Dist. F.Ili Cipriani SpA — Chizzola di Ala (Tn)		2 400	35	Raw alcohol
	Dist. Inga e C. Srl — Fiduciario		900	35	Raw alcohol
	Dist. Mazzari SpA — S. Agata sul Santerno (Ra)		10 700	35	Raw alcohol
	Dist. Neri Srl — Faenza		7 800	35	Raw alcohol
	Dist. Tampieri — Faenza (Ra)		900	35	Raw alcohol
	Dist. Trentine — Mezzolombardo (Tn)		600	35	Raw alcohol
	Dist. Villapana SpA		5 400	35	Raw alcohol
	Total		50 000		

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

II. Destination and use of the alcohol

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

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

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

III. Submission of tenders

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

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

2. Tenders must:

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

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 229/97 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.
 4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 21 August 1997.
 5. Tenders must state the name and address of the tenderer and must:
 - (a) include a reference to individual sale by tender No 229/97 EC;
 - (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
 6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

— AIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40).
- This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.
-

ANNEX II

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

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

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

ANNEX III

**Communication of refusal or acceptance of lots under the individual invitation to tender for the
export of vinous alcohol opened by Regulation (EC) No 1470/97**

- Name of the successful tenderer:
- Date of award of contract:
- Date of refusal or acceptance of the lot by the successful tenderer:

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

COMMISSION REGULATION (EC) No 1471/97

of 28 July 1997

reintroducing customs duties on products of CN code 6403, originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EC) No 70/97

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

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996, concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia and to imports of wine originating in the Republic of Slovenia⁽¹⁾, as amended by Regulation (EC) No 825/97⁽²⁾, in particular Article 4 (3) thereof,

Whereas, in pursuant of Article 1 of Regulation (EC) No 70/97, the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia benefit from preferential tariff arrangements, in particular subject to tariff ceilings; whereas Article 4 (3) provides that as soon as the ceilings have been reached, the Commission may adopt a Regulation reintroducing, until the end of the calendar year, the customs duties actually applied in respect of third countries;

Whereas imports of the products specified in the Annex and originating in the said Republics, eligible for tariff preferences have been charged against the ceilings

concerned up to the total amount; whereas the situation on the Community market for these products requires the reintroduction of customs duties in respect of the Republics concerned;

Whereas customs duties for these products should therefore be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 August 1997 until 31 December 1997, the levying of customs duties suspended by Regulation (EC) No 70/97, shall be reintroduced on imports into the Community of the products shown in the Annex and originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia.

Article 2

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

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

Done at Brussels, 28 July 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 16, 18. 1. 1997, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1997, p. 4.

ANNEX

Order No	CN code	Description
(1)	(2)	(3)
01.0120	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather

COMMISSION REGULATION (EC) No 1472/97

of 28 July 1997

amending Regulation (EEC) No 3201/90 laying down detailed rules for the description and presentation of wines and grape musts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾, and in particular Article 72 (5) thereof,

Whereas Council Regulation (EEC) No 2392/89 ⁽³⁾, as last amended by Regulation (EC) No 1427/96 ⁽⁴⁾, lays down general rules for the description and presentation of wines and grape musts;

Whereas Commission Regulation (EEC) No 3201/90 ⁽⁵⁾, as last amended by Regulation (EC) No 609/97 ⁽⁶⁾, lays down detailed rules for the description and presentation of wines and grape musts;

Whereas terms referring to the ageing of 'vinho regional' and quality wines psr have been recognized in Portugal; whereas such terms must be inserted in Article 17 (2) (c) (i) of Regulation (EEC) No 3201/90 with a view to optional use on the labels of such wine;

Whereas terms on the bottling of wine have been recognised in Greece; whereas such terms must be inserted in Article 18 (1) (f) and Article 18 (3) (f) of Regulation (EEC) No 3201/90 so they can be used on the labels of such wine;

Whereas Annexes I and III to Regulation (EEC) No 3201/90 should be adapted to take account of terms denoting superior quality and of names of vine varieties which can be used for wines imported from San Marino and of names of vine varieties which can be used for wines imported from the Slovak Republic;

Whereas Regulation (EC) No 1427/96 amends in particular Article 26 and Article 29 (1) of Regulation (EEC) No 2392/89 as regards the list of imported wines described by means of a geographical description; whereas

the list referred to in the last subparagraph of Article 29 (1) of the latter Regulation should be drawn up and Annex II to Regulation (EEC) No 3201/90 adapted accordingly;

Whereas certain members of the World Trade Organization (WTO) have notified their legislation on geographical descriptions to the Council for the Agreement on trade-related aspects of intellectual property rights ⁽⁷⁾ (Trips Agreement); whereas there is no need therefore to require them to submit that legislation to the Commission;

Whereas the other member countries of the WTO invoking the transitional provisions of Article 65 (2) of the Trips Agreement have nevertheless submitted their legislation on geographical descriptions as it stands to the Commission;

Whereas certain administrative problems have delayed the forwarding to the Commission of legislation on geographical descriptions in Russia and the Ukraine; whereas, in order not to disrupt trade, these countries may continue with the arrangements existing before 1 September 1997 and should be classified in List B of Annex II on a provisional basis until their legislation can be verified;

Whereas the geographical descriptions relating to wine imported from third countries in Annex II to Regulation (EEC) No 3201/90 must not be likely to be confused with a term used to describe a quality wine psr on the list referred to in Article 1 (3) of Council Regulation (EEC) No 823/87 ⁽⁸⁾ as last amended by Regulation (EC) No 1426/96 ⁽⁹⁾, a table wine on the list drawn up in connection with Article 2 (3) (i) of Regulation (EEC) No 2392/89 or an imported wine on the lists in the agreements concluded between third countries and the Community; whereas it must be made clear that they cannot be wholly or partly identical to those designations and must in particular be shown in such a way that they are clearly distinguishable from other information on the label;

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 232, 9. 8. 1989, p. 13.

⁽⁴⁾ OJ No L 184, 24. 7. 1996, p. 3.

⁽⁵⁾ OJ No L 309, 8. 11. 1990, p. 1.

⁽⁶⁾ OJ No L 93, 8. 4. 1997, p. 9.

⁽⁷⁾ OJ No L 336, 23. 12. 1994, p. 213.

⁽⁸⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁹⁾ OJ No L 184, 24. 7. 1996, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3201/90 is hereby amended as follows:

1. in Article 3 (3) (f), the term 'garrafeira' is deleted;
2. Article 11 (2) is replaced by the following:

'2. For the purposes of the last subparagraph of Article 29 (1) of Regulation (EEC) No 2392/89, geographical descriptions used to designate wine imported from a third country in Annex II hereto may not be wholly or partly identical to the terms referred to in that Article and must in particular be shown on the label of the imported wine in such a way that they are clearly distinguishable from the other information.'
3. the fifth indent of Article 17 (2) (c) (i) is replaced by the following:

— "velho" in the case of Portuguese quality wines psr and "garrafeira" in the case of Portuguese "vinho regional" and quality wines psr provided that the Portuguese provisions regarding the use of these terms are observed;'
4. in Article 18:

— paragraph 1 (f) is replaced by the following:

'(f) for Greek wines: "εμφιάλωση από τον αμπελουργό" (bottled by the winegrower), "εμφιάλωση από τον παραγωγό" (bottled by

the producer), "εμφιάλωση από τον αμπελουργό-παραγωγό" (bottled by the winegrower-producer), "εμφιάλωση από ομάδα αμπελουργών" (bottled by associated winegrowers) and, where the conditions laid down in Article 6 of this Regulation are met, "εμφιάλωση στον πύργο", "εμφιάλωση στο μοναστήρι", "εμφιάλωση στο κάστρο", "εμφιάλωση στο κτήμα", "εμφιάλωση στη δίπλα", "εμφιάλωση στο αρχοντικό".'

— the following point is added to paragraph 3:

'(f) for Greek wines: "εμφιάλωση στη ζώνη παραγωγής" (bottled in the area of production), "εμφιάλωση στον τόπο παραγωγής" (bottled in the region of production), "εμφιάλωση στη ζώνη" (bottled in the region of) followed by the name of the specified region in question and/or of the municipality in that region.'

5. Annexes I, II and IV are amended in accordance with the Annex hereto.

Article 2

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

Article 1 (2) shall apply from 1 September 1997.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The Annexes to Regulation (EEC) No 3201/90 are amended as follows:

I. Annex I is amended as follows:

In point 11 'SAN MARINO' the following terms denoting superior quality are added:

— "vino ad indicazione d'origine"

— "vino ad indicazione d'origine Riserva".

II. Annex II is replaced by the following:

ANNEX II

List referred to in Article 11 (2) of third countries able to export to the European Union wines described by means of a geographical description

A. List of third countries referred to in Article 29 (1) (a) of Regulation (EEC) No 2392/89 ⁽¹⁾

A.1. WTO member countries which have notified their legislation on geographical descriptions pursuant to Article 63 (2) of the Trips Agreement:

1. SOUTH AFRICA

2. AUSTRALIA

The list referred to in the last subparagraph of Article 29 (1) of Regulation (EEC) No 2392/89 is that appearing under B ("Wines originating in Australia") in Annex II to the 1994 Agreement between the European Community and Australia on trade in wine ⁽²⁾.

3. BULGARIA

The list referred to in the last subparagraph of Article 29 (1) of Regulation (EEC) No 2392/89 is that appearing under B ("Wines originating in Bulgaria") in the Annex to the 1993 Agreement between the European Community and the Republic of Bulgaria on the reciprocal protection and control of wine names ⁽³⁾.

4. UNITED STATES OF AMERICA

5. HUNGARY

The list referred to in the last subparagraph of Article 29 (1) of Regulation (EEC) No 2392/89 is that appearing under B ("Wines originating in the Republic of Hungary") in the Annex to the 1993 Agreement between the European Community and the Republic of Hungary on the reciprocal protection and control of wine names ⁽⁴⁾.

6. NEW ZEALAND

7. CZECH REPUBLIC

7. SLOVAK REPUBLIC

9. ROMANIA

The list referred to in the last subparagraph of Article 29 (1) of Regulation (EEC) No 2392/89 is that appearing under B ("Wines originating in Romania") in the Annex to the 1993 Agreement between the European Community and Romania on the reciprocal protection and control of wine names ⁽⁵⁾.

10. SWITZERLAND

11. SLOVENIA

⁽¹⁾ The inclusion of a country on this list is without prejudice to the rights and obligations of that country and of the Community under the WTO and in particular under the Trips Agreement.

⁽²⁾ OJ No L 86, 31. 3. 1994, p. 1.

⁽³⁾ OJ No L 337, 31. 12. 1993, p. 11.

⁽⁴⁾ OJ No L 337, 31. 12. 1993, p. 94.

⁽⁵⁾ OJ No L 337, 31. 12. 1993, p. 178.

A.2. *WTO member countries invoking the transitional provisions of Article 65 (2) of the Trips Agreement which have submitted their legislation on geographical descriptions to the Commission:*

1. ARGENTINA
2. CHILE
3. CYPRUS
4. EGYPT
5. ISRAEL
6. MOROCCO
7. MEXICO
8. TUNISIA
9. TURKEY
10. URUGUAY

B. **List of third countries referred to in Article 29(1)(b) of Regulation (EEC) No 2392/89**

1. ALGERIA
2. FORMER YUGOSLAV REPUBLIC OF MACEDONIA
3. CROATIA
4. MOLDAVIA
5. RUSSIA⁽¹⁾
6. SAN MARINO
7. UKRAINE⁽¹⁾

III. Annex IV is amended as follows:

1. Point 16 'SAN MARINO' is replaced by:

'16. SAN MARINO

List of varieties accepted in the Community

Biancale

Canino

Cargarello

Chardonnay

Moscato

Pinot Bianco

Ribolla

Sangiovese'.

2. The following vine variety is added to point 19 'SLOVAK REPUBLIC':
'Chardonnay'.

⁽¹⁾ Provisional classification pending verification of the legislation.

COMMISSION REGULATION (EC) No 1473/97
of 28 July 1997
adjusting the agrimonetary compensatory aid granted in Denmark

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

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

Whereas Regulation (EC) No 1527/95 establishes the principle of an agrimonetary compensatory payment the maximum amount of the first tranche of which is determined as a function of the size of the appreciable reduction in the agricultural conversion rates in question; whereas the amounts of the second and third tranches of the payments must be reduced relative to the first tranche by at least one third of the amount granted during the first tranche; whereas the appreciable reduction which affected the Danish krona in 1995 was 0,496 %;

Whereas Article 6 (2) of Commission Regulation (EC) No 2921/95 of 18 December 1995 laying down detailed rules for compensation for reductions in certain agricultural conversion rates⁽²⁾, as last amended by Regulation (EC) No 1481/96⁽³⁾, provides for the maximum amounts of the second and third tranches of the payments to be adjusted on the basis of the impact on incomes of the increase in the agricultural conversion rates occurring before the start of those tranches; whereas, pursuant to Article 2 (1) of Regulation (EC) No 1527/95 the tranches are determined for periods of 12 months, starting with the month following the relevant reduction in the agricultural conversion rate;

Whereas there has been an increase in the agricultural conversion rate of the Danish krona between the date of its appreciable reduction and the start of the third tranche of payments;

Whereas the agrimonetary compensatory payments referred to in Regulation (EC) No 1527/95 are calculated as lump sums; whereas, as a result of the level reached by the agricultural conversion rate, the third tranche for Denmark should be cancelled; whereas this adjustment in payment must be applicable from the start of the tranche in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

The third tranche of compensatory payments provided for in Regulation (EC) No 1527/95 for Denmark is hereby cancelled.

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, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 1.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 60.

⁽³⁾ OJ No L 188, 27. 7. 1996, p. 21.

COMMISSION REGULATION (EC) No 1474/97
of 28 July 1997

laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the flat-rate aid for hazelnuts harvested during the 1997/98, 1998/99 and 1999/2000 marketing years

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 55 thereof,

Whereas, in order to deal with the particularly difficult market conditions in the hazelnut sector, flat-rate aid is granted for the 1997/98, 1998/99 and 1999/2000 marketing years;

Whereas, in accordance with the objectives of the common organization of the markets, that aid is granted to producer organizations recognized under Council Regulation (EEC) No 1035/72⁽²⁾, as last amended by Commission Regulation (EC) No 1363/95⁽³⁾, or Regulation (EC) No 2200/96; whereas, to enhance the results produced by the specific measures already implemented, that aid is granted only on condition that the aforementioned producer organizations implement in 1997 either a quality improvement plan within the meaning of Article 14d of Regulation (EEC) No 1035/72 or an operational programme within the meaning of Commission Regulation (EC) No 411/97⁽⁴⁾, as amended by Regulation (EC) No 1119/97⁽⁵⁾;

Whereas, since the marketing year for hazelnuts runs from 1 September to 31 August, it should be left to the producer organizations to choose when they lodge their applications;

Whereas since the aid is granted to the producers of hazelnuts, the producer organization must pay the amount received in full;

Whereas, for the sake of the effectiveness of the system of flat-rate aid, procedures should be laid down for checks and, where undue payments are made, penalties;

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

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽⁴⁾ OJ No L 62, 4. 3. 1997, p. 9.

⁽⁵⁾ OJ No L 163, 20. 6. 1997, p. 11.

1. The flat-rate aid of ECU 15 per 100 kilograms referred to in Article 55 of Regulation (EC) No 2200/96 shall be granted to producer organizations:

- recognized pursuant to Regulation (EEC) No 1035/72 which are implementing a quality and marketing improvement plan within the meaning of Title II (a) of Regulation (EEC) No 1035/72 and/or implement in 1997 a plan of action within the meaning of Regulation (EC) No 411/97,
- recognized pursuant to Regulation (EC) No 2200/96 which implement in 1997 an operational programme within the meaning of Regulation (EC) No 411/97 in 1997.

2. To qualify for this aid, producer organizations must be recognized in respect of their production of hazelnuts.

Article 2

1. The aid referred to in Article 1 shall be allocated for hazelnuts in their shells falling within CN code 0802 21 00, of sound, fair and merchantable quality produced by members of the producer organization during each of the 1997/98, 1998/99 and 1999/2000 marketing years delivered to the producer organization and taken over by that organization.

2. 'Members of the producer organization' shall mean members belonging to the producer organization at the beginning of the marketing year concerned.

3. The hazelnut marketing year shall begin on 1 September and finish on 31 August.

Article 3

1. Producer organizations shall submit an aid application to the competent authorities not later than 30 September following the marketing year in question for quantities produced during that marketing year, accompanied by supporting documentation.

2. Member States shall pay the producer organizations within two months from the date of submission of the aid application.

3. The aid received by the producer organization shall be paid within 15 days in full to the producers in proportion to the quantities delivered by the producers.

The producer organization may, however, retain a maximum of 2 % of the value of the aid to cover administrative costs directly relating to this measure.

Article 4

1. Member States shall carry out checks on producer organization papers and supporting documentation and on-the-spot checks to ensure that the information submitted is correct.

2. These checks shall be made annually on all the producer organizations which have applied for Community aid under this Regulation.

The checks must cover producer organization accounts as well as the situation regarding hazelnut stocks.

The checks may be carried out at the same time as or combined with checks already provided for under Commission Regulations (EEC) No 2159/89⁽¹⁾ and (EC) No 411/97.

3. Member States shall ensure compliance with the conditions laid down in Article 3 (1) and (2) and that the information provided by the producer organizations when they submit their aid application is consistent with the data submitted in the improvement plans and/or operational programme or plan of action referred to in the second indent of Article 1.

Article 5

1. The beneficiary of any undue payment shall reimburse twice the amount unduly paid, increased by an interest rate calculated as a function of the period between the payment of the aid and reimbursement by the beneficiary in cases where a check carried out pursuant to

Article 4 shows that the quantities of hazelnuts actually harvested as defined in Article 3 (1):

- (a) are smaller than those indicated in the aid application;
- (b) include hazelnuts from producers not eligible under this Regulation.

However, the penalty referred to in the first subparagraph shall not apply where the beneficiary proves to the satisfaction of the competent national authority that the irregularities committed are not intentional or due to serious negligence on his part. In such cases, the beneficiary shall pay only the undue amount paid plus interest.

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

2. Where the difference between the financial contribution actually paid and the contribution due is greater than 20 % of the financial contribution due, the beneficiary shall repay the Community financial contribution paid to him in full, increased by the interest referred to in paragraph 1.

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

4. Where a false declaration is made deliberately or through grave negligence, the producer organization concerned shall be disqualified for the aid provided for under this Regulation.

5. Paragraphs 1 to 4 shall apply without prejudice to other penalties to be applied under Article 48 of Regulation (EC) No 2200/96.

Article 6

This Regulation shall enter into force on the seventh 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, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 207, 19. 7. 1989, p. 19.

COMMISSION REGULATION (EC) No 1475/97
of 28 July 1997

**fixing the buying-in prices, aids and certain other amounts applicable for the
1997/98 wine year to intervention measures in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 149 (1) thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EC) No 1417/97⁽²⁾, and in particular Articles 35 (8), 36 (6), 38 (5), 41 (10), 44, 45 (9) and 46 (5) thereof,

Whereas Article 4 of Commission Regulation (EC) No 3299/94 of 21 December 1994 on transitional measures applicable in Austria in the wine-growing sector⁽³⁾, as amended by Regulation (EC) No 670/95⁽⁴⁾, provides for Title III of Regulation (EEC) No 822/87 to apply in its entirety in Austria from the 1995/96 wine year; whereas, however, Austria should, in the interests of administrative clarity, be considered to form part of the wine-growing zone B provided for in Annex IV to Regulation (EEC) No 822/87;

Whereas Council Regulation (EC) No 1418/97⁽⁵⁾ fixes the guide prices for wine for the 1997/98 wine year; whereas the prices, aids and other amounts for the various intervention measures to be adopted for that wine year should accordingly be fixed on that basis;

Whereas this Regulation applies to Austria and Portugal; whereas, however, since wine-growing zones have not been delimited in those countries, the oenological practices authorized in accordance with the rules laid down under Title II of Regulation (EEC) No 822/87 should be defined for the 1997/98 wine year pending the adoption of definitive rules;

Whereas, since enrichment is an exceptional practice, the same reduction in the buying-in price for wine provided for in Article 44 of Regulation (EEC) No 822/87 and laid down in Annex VIII should be applied as in wine-

growing zone C; whereas, in the light of experience the derogations in force for 'vinho verde' should be extended;

Whereas the aid for the use in wine-making of concentrated grape must and rectified concentrated grape must as provided for in Article 45 (1) of Regulation (EEC) No 822/87 must be fixed taking into account the difference between the cost of enrichment achieved using concentrated grape must and using sucrose; whereas, in the light of the data available to the Commission, the amount of the aid should be varied with the product used for enrichment;

Whereas distillers may, in accordance with Articles 35 (6) and 36 (4) of Regulation (EEC) No 822/87, either receive aid for the product to be distilled or deliver the product obtained from distillation to the intervention agency; whereas the amount of the aid must be fixed on the basis of the criteria laid down in Article 16 of Council Regulation (EEC) No 2046/89⁽⁶⁾, as last amended by Regulation (EC) No 2468/96⁽⁷⁾;

Whereas the price of wine to be distilled under Articles 38 and 41 of Regulation (EEC) No 822/87 does not normally allow the marketing at market prices of products obtained from distillation; whereas provision must therefore be made for aid, the amount of which is to be fixed on the basis of the criteria laid down in Article 8 of Regulation (EEC) No 2046/89, account also being taken of the present uncertainty of prices on the market for distillation products;

Whereas some wine delivered for one of the distillation operations may be processed into wine fortified for distillation; whereas the amounts applicable to distillation in accordance with the rules laid down in Article 26 of Regulation (EEC) No 2046/89 should be adjusted accordingly;

Whereas experience gained in sales by invitation to tender of alcohol held by intervention agencies shows that the difference between prices which may be obtained for neutral spirits and raw alcohol does not justify the take-over of the former; whereas, moreover, quantities of neutral spirits currently available are sufficient to satisfy,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 196, 24. 7. 1997, p. 10.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 37.

⁽⁴⁾ OJ No L 70, 30. 3. 1995, p. 1.

⁽⁵⁾ OJ No L 196, 24. 7. 1997, p. 12.

⁽⁶⁾ OJ No L 202, 14. 7. 1989, p. 14.

⁽⁷⁾ OJ No L 335, 24. 12. 1996, p. 7.

at least for one wine year, any demand for that product; whereas under these circumstances the possibility provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 should be used by producing for the buying-in of all alcohol at the price for raw alcohol;

Whereas Article 4 of Commission Regulation (EEC) No 3105/88⁽¹⁾, as last amended by Regulation (EC) No 2365/95⁽²⁾, laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 sets a standard natural alcohol strength by volume to be applied in the various wine-growing zones for the purpose of determining the volume of alcohol to be delivered for distillation under Article 35 of Regulation (EEC) No 822/87; whereas it has not been possible to fix this standard natural alcoholic strength in Portugal because the wine-growing zones in that country have not yet been delimited; whereas, therefore, a provisional standard natural alcohol strength should be fixed;

Whereas Article 46 (3) of Regulation (EEC) No 822/87 lays down criteria for fixing the aid provided for in that Article; whereas, as regards the aid for the use of grapes, grape must and concentrated grape must for the manufacture of grape juice, paragraph 4 of that Article stipulates that a part of the aid should be set aside for the organization of campaigns to promote the consumption of grape juice and whereas the aid may be increased to that end; whereas, having regard to the criteria laid down and of the need to finance those campaigns, the aid should be fixed at a level permitting sufficient quantities to be obtained for the effective promotion of the product;

Whereas the reduction in the buying-in price for wine provided for in Article 44 of Regulation (EEC) No 822/87 depends on the average increase in the natural alcoholic strength in each wine-growing zone; whereas experience shows that that increase corresponds on average to half the maximum increase authorized; whereas the reduction in the buying-in price must accordingly correspond to the added alcoholic strength as a percentage of the alcoholic strength of wine delivered for distillation;

Whereas Commission Regulation (EEC) No 3800/81 of 16 December 1981 determining the classification of vine varieties⁽³⁾, as last amended by Regulation (EC) No 1914/96⁽⁴⁾, establishes the list of vine varieties recommended and authorized in Portugal; whereas, in assessing the production of wine in Portugal, reference should be made to those vine varieties;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation fixes the buying-in prices, the aids and certain other amounts applicable for the 1997/98 wine year to intervention measures in the wine sector in the Community. As regards the measures provided for in Articles 38 and 41 of Regulation (EEC) No 822/87, those amounts shall be fixed subject to a subsequent decision on the activating of those measures.

Article 2

1. The buying-in prices of the products and of wine delivered during the 1997/98 wine year for compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 and, for those products:

- aid to distillers,
- aid to fortifiers of wine of distillation,
- the buying-in prices of alcohol obtained, delivered to an intervention agency,
- the contribution from the European Agricultural Guidance and Guarantee Fund towards the taking over of that alcohol,

shall be as set out in Annexes I and II hereto.

2. In accordance with the second subparagraph of Article 35 (6), the second subparagraph of Article 36 (4) and the second subparagraph of Article 39 (7), the intervention agency shall pay the raw alcohol price for the alcohol delivered to it.

Article 3

The buying-in prices for wine delivered during the 1997/98 wine year for voluntary distillation as provided for in Articles 38 and 41 of Regulation (EEC) No 822/87 and, for those products:

- aid to distillers,
- aid to fortifiers of wine for distillation,

shall be as set out respectively in Annexes III and IV.

Article 4

The aid for utilization during the 1997/98 wine year of concentrated grape must and rectified concentrated grape must as provided for in Article 45 (1) and in the first subparagraph of Article 46 (1) of Regulation (EEC) No 822/87 shall be as set out respectively in Annexes V, VI and VII hereto.

⁽¹⁾ OJ No L 277, 8. 10. 1988, p. 21.

⁽²⁾ OJ No L 241, 10. 10. 1995, p. 17.

⁽³⁾ OJ No L 381, 31. 12. 1981, p. 1.

⁽⁴⁾ OJ No L 252, 4. 10. 1996, p. 1.

Article 5

The reductions provided for in Article 44 of Regulation (EEC) No 822/87 applicable to the buying-in prices for wine delivered during the 1997/98 wine year for distillation as provided for in Articles 36, 38, 39 or 41 of that Regulation and, for that wine:

- to the aid to the distiller,
- to the buying-in prices of alcohol obtained, delivered to an intervention agency,
- to the contribution from the European Agricultural Guidance and Guarantee Fund to the taking over of that alcohol,

shall be as set out in Annex VIII hereto.

For the purposes of this Article, Portugal shall be considered to form part of wine-growing zone C, and Austria of wine-growing zone B.

Article 6

For the application of the rules governing oenological practices and processes laid down in Title II of Regulation (EEC) No 822/87, Austria shall be considered to form part of wine-growing zone B for the 1997/98 wine year.

Article 7

1. The rules governing oenological practices and processes laid down in Title II of Regulation (EEC) No 822/87 shall apply to Portugal during the 1997/98 wine year subject to the following conditions:

- (a) increase in alcoholic strength shall be limited to 2 % vol. Products eligible under this measure shall have a natural alcoholic strength by volume of at least 7,5 % vol, before enrichment and total alcoholic strength by volume of not more than 13 % after enrichment.

However, products upstream of table wine originating in the 'Vinho verde' region must have an alcoholic strength by volume of at least 7 % before enrichment.

The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 6,5 %;

- (b) fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be the subject of acidification or deacidification.

2. The wine varieties which may be used to produce table wine shall be those listed in the Annex to Regulation (EEC) No 3800/81.

'Vinho verde' may:

- be marketed with a minimum total alcoholic strength by volume 8,5 % for wines which have not been subject to enrichment,
- possess a total content of sulphine dioxide no greater than 300 milligrams per litre for white 'Vinho verde' wines with a residual sugar content not less than 5 g/l.

3. The quantity of alcohol which producers of table wine in Portugal must deliver for distillation in accordance with Article 35 of Regulation (EEC) No 822/87 shall be calculated on the basis of a standard natural alcoholic strength, to be taken into consideration for the assessment of the volume of alcohol contained in the wine produced, equal to 9 % by volume, with the exception of wines produced in the delimited 'Vinho verde' region, for which the alcoholic strength to be taken into consideration shall be 8,5 %.

Article 8

This Regulation shall enter into force on 1 September 1997.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

DISTILLATION AS PROVIDED FOR IN ARTICLE 35 OF REGULATION (EEC) No 822/87

1997/98 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller	0,9902
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— flat-rate	0,6279
— of marc	0,8453
— of wine and lees	0,4106
2. spirits distilled from marc	0,3985
3. spirits distilled from wine	0,2777
4. raw spirits:	
— flat-rate	0,4951
— of marc	0,7124
— of wine and lees	0,2777
(b) for the fortification of wine for distillation	0,2657
3. Prices of raw spirits delivered ⁽¹⁾ :	
— flat-rate	1,654
— spirits distilled from marc	1,872
— spirits distilled from wine and lees	1,437
4. EAGGF contribution for spirits ⁽²⁾	0,4951

⁽¹⁾ If the distiller has received the aid under 2, these prices are to be reduced by an amount equal to the aid (third subparagraph of Article 18 (2) of Regulation (EEC) No 2046/89).

⁽²⁾ For quantities of alcohol delivered to the intervention agency in respect of which aid has been paid to the distiller, this contribution is to be reduced by the amount of the flat-rate aid paid.

ANNEX II

DISTILLATION AS PROVIDED FOR IN ARTICLE 36 OF REGULATION (EEC) No 822/87

1997/98 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller	1,340
2. Aid:	
(a) for distillation:	
1. neutral spirits	0,7728
2. spirits distilled from wine and raw spirits	0,6400
(b) for the fortification of wine for distillation	0,6158
3. Prices of raw spirits delivered ⁽¹⁾	1,799
4. EAGGF contribution for spirits ⁽²⁾	0,6400

⁽¹⁾ If the distiller has received the aid under 2, these prices are to be reduced by an amount equal to the aid (third subparagraph of Article 18 (2) of Regulation (EEC) No 2046/89).

⁽²⁾ For quantities of alcohol delivered to the intervention agency in respect of which aid has been paid to the distiller, this contribution is to be reduced by the amount of the flat-rate aid paid.

ANNEX III

DISTILLATION AS PROVIDED FOR IN ARTICLE 38 OF REGULATION (EEC) No 822/87

1997/98 WINE YEAR

	(ECU/% vol/hl)
1. Buying-in price to be paid to the producer by the distiller:	
— type A I, R I and R II ⁽¹⁾	2,487
— type A II	5,385
— type A III	6,146
— type R III	3,852
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— type A I, R I and R II	1,884
— type A II	4,818
— type A III	5,603
— type R III	3,272
2. spirits distilled from wine and raw spirits:	
— type A I, R I and R II	1,751
— type A II	4,685
— type A III	5,470
— type R III	3,140
(b) for the fortification of wine for distillation:	
— type A I, R I and R II	1,715
— type A II	4,613
— type A III	5,373
— type R III	3,079

⁽¹⁾ And table wine in a close economic relationship with these types of table wine, or wines suitable for yielding table wine.

ANNEX IV

DISTILLATION AS PROVIDED FOR IN ARTICLE 41 OF REGULATION (EEC) No 822/87

1997/98 WINE YEAR

	(ECU/% vol/bl)
1. Buying-in price to be paid to the producer by the distiller:	
— type A I, R I and R II ⁽¹⁾	3,140
— type A II	6,798
— type A III	7,752
— type R III	4,854
2. Aid:	
(a) for distillation:	
1. neutral spirits:	
— type A I, R I and R II	2,548
— type A II	6,255
— type A III	7,233
— type R III	4,287
2. spirits distilled from wine and raw spirits:	
— type A I, R I and R II	2,415
— type A II	6,122
— type A III	7,100
— type R III	4,154
(b) for the fortification of wine for distillation:	
— type A I, R I and R II	2,367
— type A II	6,025
— type A III	6,979
— type R III	4,081

⁽¹⁾ And table wine in a close economic relationship with these types of table wine.

ANNEX V

**AID FOR THE USE IN WINE-MAKING OF CONCENTRATED GRAPE MUST AND
RECTIFIED CONCENTRATED GRAPE MUST (ARTICLE 45 (1) OF REGULATION (EEC)
No 822/87)**

1997/98 WINE YEAR

	<i>(ECU/% vol/hl)</i>
Amount of the aid:	
(a) concentrated grape must:	
— wine-growing zones C III (a) and C III (b)	1,699
— others, including Portugal	1,446
(b) rectified concentrated grape must:	
— wine-growing zones C III (a) and C III (b)	2,206
— others, if production commenced before 30 June 1982 (EUR 10) or before 1 January 1986 (Spain)	2,206
— others, including Portugal	1,953

ANNEX VI

**AID FOR THE USE OF GRAPE MUST AND CONCENTRATED GRAPE MUST FOR THE
PURPOSE OF MANUFACTURING CERTAIN PRODUCTS IN THE UNITED KINGDOM
AND IN IRELAND (SECOND AND THIRD INDENTS OF ARTICLE 46 (1) OF REGULATION
(EEC) No 822/87)**

1997/98 WINE YEAR

	<i>(ECU/kg)</i>
Flat-rate amount of the aid:	
1. Products referred to in the second indent of Article 46 (1) of Regulation (EEC) No 822/87	0,2379
2. Products referred to in the third indent of Article 46 (1) of Regulation (EEC) No 822/87	0,3103

ANNEX VII

**AID FOR THE USE OF GRAPES, GRAPE MUST AND CONCENTRATED GRAPE MUST FOR
THE PURPOSE OF MANUFACTURING GRAPE JUICE (FIRST INDENT OF ARTICLE 46 (1)
OF REGULATION (EEC) No 822/87)**

1997/98 WINE YEAR

	<i>(ECU)</i>
Flat-rate amount of the aid:	
(a) grapes (per 100 kg)	6,603
(b) grape must (per hl)	8,257
(c) concentrated grape must (per hl)	28,873
Percentage of the amount of the aid withheld for the financing of the promotion campaign	25

ANNEX VIII

**REDUCTION IN THE BUYING-IN PRICE OF WINE AS PROVIDED FOR IN ARTICLE 44 OF
REGULATION (EEC) No 822/87**

1997/98 WINE YEAR

<i>(ECU/% vol/hl)</i>		
Zone A	Zone B	Zone C and Portugal
0,3623	0,3019	0,1811

COMMISSION REGULATION (EC) No 1476/97

of 28 July 1997

fixing the minimum import price applicable to dried grapes during the 1997/98 marketing year as well as the countervailing charges to be imposed where that price is not observed

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

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 13 (8) thereof,

Whereas, in accordance with Article 13 (1) of Regulation (EC) No 2201/96, the minimum import price for dried grapes is to be determined having regard to:

- the free-at-frontier price on import into the Community,
- the prices obtained in international trade,
- the situation on the internal Community market,
- the trend of trade with third countries;

Whereas Article 13 (6) of the same Regulation provides that countervailing charges are to be fixed in reference to a scale of import prices; whereas the maximum countervailing charge is to be determined on the basis of the most favourable prices applied on the world market for significant quantities by the most representative non-member countries;

Whereas a minimum import price must be fixed for currants and other dried grapes;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum import price applicable to dried grapes during the 1997/98 marketing year, which begins on 1 September 1997 and ends on 31 August 1998, shall be as set out in Annex I.

2. The countervailing charge to be imposed where the minimum import price referred to in paragraph 1 is not observed shall be as set out in Annex II.

Article 2

This Regulation shall enter into force on 1 September 1997.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

ANNEX I

MINIMUM IMPORT PRICES

<i>(ECU per tonne)</i>		
CN code	Description	Minimum import price
0806 20	— Dried grapes:	
	— — In immediate containers of a net capacity of 2 kg or less:	
0806 20 11	— — — Currants	1 038,18
0806 20 12	— — — Sultanas	1 086,10
0806 20 18	— — — Other	1 086,10
	— — Other:	
0806 20 91	— — — Currants	870,57
0806 20 92	— — — Sultanas	910,75
0806 20 98	— — — Other	910,75

ANNEX II

COUNTERVAILING CHARGES

1. Currants falling within CN code 0806 20 11:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 038,18	1 027,80	10,38
1 027,80	1 007,03	31,15
1 007,03	975,89	62,29
975,89	944,74	93,44
944,74		152,65

2. Currants falling within CN code 0806 20 91:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
870,57	861,86	—
861,86	844,45	—
844,45	818,34	—
818,34	792,22	—
792,22		—

3. Dried grapes falling within CN codes 0806 20 12 and 0806 20 18:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 086,10	1 075,24	10,86
1 075,24	1 053,52	32,58
1 053,52	1 020,93	65,17
1 020,93	988,35	97,75
988,35		200,57

4. Dried grapes falling within CN codes 0806 20 92 and 0806 20 98:

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
910,75	901,64	9,11
901,64	883,43	25,22
883,43	856,10	25,22
856,10	828,78	25,22
828,78		25,22

COMMISSION REGULATION (EC) No 1477/97

of 28 July 1997

on transitional measures concerning the application of quotas of fresh tomatoes intended for processing for the 1996/97 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 26 thereof,

Whereas the quantities of fresh tomatoes which qualify for production aid in the 1996/97 marketing year are fixed in Regulation (EEC) No 668/93 on the introduction of a limit to the granting of production aid for processed tomato products⁽²⁾; whereas, in that marketing year, production exceeded those quantities in certain Member States and in certain groups of products, while remaining lower than those quantities for another group;

Whereas, under the new common organisation of the market adopted by Regulation (EC) No 2201/96, quotas are fixed for those products for the grant of production aid applicable from the 1997/98 harvest, adapting them to the economic development of the market for each product; whereas, as a result, in some cases the quota has been increased in relation to that for the preceding

marketing year; whereas it is necessary to take account of this new orientation to facilitate the transition from the old arrangements to the new ones by providing for the transfer, for the 1996/97 marketing year, of the remaining quantities for a given group of products to those groups which exceeded the quotas, within the quota limit laid down for each group and Member State referred to in Annex III to Regulation (EC) No 2201/96;

Whereas, in order to qualify for production aid, processing enterprises must provide proof to the satisfaction of the competent authorities in the Member States that a price at least equal to the minimum price has been paid to the producers;

Whereas, pursuant to Commission Regulations (EEC) Nos 1558/91⁽³⁾ and 1794/93⁽⁴⁾, the Member States have notified the Commission of the quantities for which aid applications have been made as well as the total quantities of tomatoes processed in the 1996/97 marketing year;

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

1. In order to facilitate the transition from the arrangements provided for in Regulation (EEC) No 668/93 to the arrangements provided for in Regulation (EC) No 2201/96, production aid granted for processed tomato products shall be limited, for the 1996/97 marketing year, to the quantities of processed products obtained from the following quantities, in tonnes of fresh tomatoes:

All undertakings located in	Tomato concentrate	Tinned whole peeled tomatoes	Other tomato products
Spain	615 419	169 594	182 037
France	278 691	68 343	45 372
Greece	966 742	14 693	32 161
Italy	1 611 395	1 059 779	622 824
Portugal	870 093	235	24 409
Germany	33 700		1 300

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 72, 25. 3. 1993, p. 1.

⁽³⁾ OJ No L 144, 8. 6. 1991, p. 31.

⁽⁴⁾ OJ No L 163, 6. 7. 1993, p. 23.

2. Member States shall distribute, by product group, the quantities in addition to the quantities for which applications for production aid have already been made and notified to the Commission pursuant to Article 18 (a) of Regulation (EEC) No 1558/91 proportionally to the processing undertakings on the basis of the quantities declared by those undertakings under Article 8 (2) of Regulation (EEC) No 1794/93 for which the minimum price has been paid to the producers.

3. Member States shall take all the necessary measures to ensure that the overall quantity per Member State provided for in Article 1 (1) of Regulation (EEC) No 668/93 is not exceeded.

Article 2

1. In order to be eligible for production aid in respect of the additional quantities, processors must submit a supplementary application within 30 days of the entry into force of this Regulation.

2. Those applications shall comprise:

- (a) the name and address of the applicant;
- (b) the name and address of the producer;
- (c) the net weight of the raw materials declared under Article 8 (2) of Regulation (EEC) No 1794/93 for which a minimum price has been paid to the producers;
- (d) the net weight of the finished products obtained from the raw materials referred to under (c). These finished products shall be broken down according to the rate of aid for which they are eligible;
- (e) proof, to the satisfaction of the Member State, that they have paid the producers a price at least equal to the minimum price for the quantities referred to under (c);
- (f) a declaration by the processor that the finished products comply with Community quality standards.

Article 3

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

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1478/97

of 28 July 1997

fixing the actual production of olive oil and the unit amount of production aid
for the 1995/96 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations⁽³⁾, as last amended by Regulation (EC) No 636/95⁽⁴⁾, and in particular Article 17a (3) thereof,

Whereas Article 5 of Regulation No 136/66/EEC provides that the unit amount of the production aid must be reduced where the actual production for a given marketing year exceeds the maximum guaranteed quantity fixed for that marketing year; whereas, however, producers whose average production is less than 500 kilograms of olive oil per marketing year are not affected by that reduction;

Whereas Article 17a of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil which may be paid in advance, the estimated production for the marketing year concerned should be established; whereas, for the 1995/96 marketing year, the estimated production aid which may be paid in advance was fixed by Commission Regulation (EC) No 1888/96⁽⁵⁾;

Whereas, pursuant to Article 17a (2) of Regulation (EEC) No 2261/84, not more than eight months after the end of the marketing year the quantity actually produced in respect of which entitlement to the aid has been recognized must be determined; whereas, to that end in accordance with Article 12a of Commission Regulation (EEC) No 3061/84⁽⁶⁾, as last amended by Regulation (EC) No 1110/97⁽⁷⁾, the Member States concerned must notify the Commission, not later than 31 May following each marketing year, of the quantity recognized as qualifying for the aid in each Member State; whereas as a result of those communications the quantity eligible for aid for the 1995/96 marketing year amounts 625 000 tonnes for Italy, 2 450 tonnes for France, 445 000 tonnes for Greece, 375 000 tonnes for Spain and 34 000 tonnes for Portugal;

Whereas recognition by the Member States of those quantities as qualifying for the aid implies that the checks referred to in Regulations (EEC) No 2261/84 and (EEC) No 3061/84 have been carried out; whereas, however, fixing actual production in accordance with the information on the quantities recognized as qualifying for Community aid by the Member States does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the clearance of accounts procedure;

Whereas, in view of the quantity actually produced, the unit amount of the production aid provided for in point (b) of the fifth subparagraph of Article 5 (1) of Regulation No 136/66/EEC should also be fixed;

Whereas, in view of the exceptional circumstances which have led to a certain delay in fixing actual production for the 1995/96 marketing year and in order to ensure that payment of the balance of the production aid for that marketing year is made under the budget for the 1997 financial year, it is necessary to fix 15 October 1997 as the final date for that payment by derogating from Article 12b (3) of Regulation (EEC) No 3061/84;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 marketing year for olive oil:

- the quantity actually produced in respect of which entitlement to the production aid has been recognized and which is eligible for reimbursement by the EAGGF Guarantee Section is 1 481 450 tonnes,
- the unit amount of the production aid shall be ECU 129,57 per 100 kilograms.

Article 2

Notwithstanding Article 12b (3) of Regulation (EEC) No 3061/84, Member States shall pay the balance of the production aid for the 1995/96 marketing year, payable to producers whose average output is not less than 500 kilograms, not later than 15 October 1997.

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 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ No L 67, 25. 3. 1995, p. 1.

⁽⁵⁾ OJ No L 249, 1. 10. 1996, p. 27.

⁽⁶⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁷⁾ OJ No L 162, 19. 6. 1997, p. 14.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1479/97**of 28 July 1997****setting the agricultural conversion rates applicable to certain aid in Sweden and the United Kingdom and the resulting maximum amounts of compensatory aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 724/97 of 22 April 1997 determining measures and compensation relating to appreciable revaluations that affect farm incomes⁽¹⁾, and in particular Article 7 thereof,

Whereas pursuant to Article 3 of Council Regulation (EC) No 2990/95⁽²⁾, as last amended by Regulation (EC) No 1451/96⁽³⁾, as regards the Swedish krona and Article 3 of Regulation (EC) No 724/97 as regards the pound sterling, the agricultural conversion rates applicable to the aid referred to in Article 7 of Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversions rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, have not been reduced as a result of appreciable revaluations of the currencies concerned; whereas, however, Article 3 of Regulation (EC) No 724/97 provides for a reduction in the agricultural conversion rate applicable to one of the aids referred to in Article 7 of Regulation (EEC) No 3813/92 where, because of measures taken following an appreciable revaluation, that rate exceeds the current agricultural conversion rate by more than 11,5 %; whereas, in such cases, the conversion rate to be applied is equal to the current agricultural conversion rate plus 11,5 %;

Whereas the agricultural conversion rates for the Swedish krona and the pound sterling applicable to some of the aids referred to in Article 7 of Regulation (EEC) No 3813/92 were reduced from 1 July 1997 to avoid differences of more than 11,5 % from the agricultural conversion rates current on that date; whereas, in order to facilitate the administration of the aids concerned, the rates applicable for them from 1 July 1997 should be specified and fixed;

Whereas Article 4 (2) of Regulation (EC) No 724/97 provides for compensation for the effects of the reduction in the agricultural conversion rates applicable to the aids referred to in Article 7 of Regulation (EEC) No 3813/92; whereas Commission Regulation (EC) No 805/97 of 2 May 1997 laying down detailed rules for compensation

relating to appreciable revaluations⁽⁶⁾ provides for supplementary amounts of compensatory aid to be paid in addition to that compensation; whereas the maximum supplementary amount of the first tranche of compensatory aid for the reduction in the aid referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 July 1997 should be fixed for Sweden and the United Kingdom; whereas calculation of the amount concerned pursuant to Article 4 (2) and the last subparagraph of Article 6 (3) of Regulation (EC) No 724/97 results, in the case of Sweden, in a maximum amount per hectare very close to zero;

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

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rate of 1 ecu = 0,833821 pounds sterling, applicable on 30 June 1997 to the aids referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 July, shall be replaced from 1 July 1997 in respect of the aids concerned by 1 ecu = 0,803724 pounds sterling.

The agricultural conversion rate of 1 ecu = 9,91834 Swedish krona, applicable on 30 June 1997 to the aids referred to in Article 7 of Regulation (EEC) No 3813/92 for which the operative event occurs on 1 July, shall be replaced from 1 July 1997 in respect of the aids concerned by 1 ecu = 9,90747 Swedish krona.

Article 2

The maximum supplementary amount of the first tranche of compensatory aid that may be granted as a result of the reduction in the agricultural conversion rate referred to in Article 1 shall be zero for Sweden and ECU 66,70 million for the United Kingdom.

Article 3

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

⁽⁶⁾ OJ No L 115, 3. 5. 1997, p. 13.

⁽¹⁾ OJ No L 108, 25. 4. 1997, p. 9.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 7.

⁽³⁾ OJ No L 187, 26. 7. 1996, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1480/97

of 28 July 1997

on the issue of import licences for certain products processed from sour cherries originating in the Republics of Bosnia-Herzegovina and Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republic of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia and to imports of wine originating in the Republic of Slovenia ⁽¹⁾, as amended by Regulation (EC) No 825/978 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EC) No 1921/95 of 3 August 1995 laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86 ⁽³⁾, as last amended by Regulation (EC) No 2427/95 ⁽⁴⁾, lays down that import licences are required for, among other things, products processed from sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91;

Whereas the second subparagraph of Article 6 (1) of Regulation (EC) No 70/97 provides that the ceiling of 19 800 tonnes fixed the abovementioned products in Annex D of that Regulation shall be administered by the issuing of the import licences provided for for the products concerned; whereas the granting of preferences should be linked to the issue of specific licences;

Whereas the measures should be taken automatically and very rapidly as soon as the demand for licences reaches the limits of the quantity available; whereas the Commission should be enabled to take the necessary measures;

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

Section 24 of import licences for products processed from sour cherries falling within CN codes ex 0811 90 19,

ex 0811 90 39, 0811 90 75, ex 0812 10 00, 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91 originating in Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia shall contain one of the following indications:

- Exención del derecho *ad valorem* — Reglamento (CE) n° 70/97
- Fritagelse for værditold — forodning (EF) nr. 70/97
- Wertzollfrei — Verordnung (EG) Nr. 70/97
- Απαλλαγή από τον *ad valorem* δασμό — κανονισμός (ΕΚ) αριθ. 70/97
- Exemption from *ad valorem* duty — Regulation (EC) No 70/97
- Exemption du droit *ad valorem* — règlement (CE) n° 70/97
- Esenzione dal dazio *ad valorem* — regolamento (CE) n. 70/97
- Vrijgesteld van het douanerecht *ad valorem* — Verordening (EG) nr. 70/97
- Isenção dos direitos *ad valorem* — Regulamento (CE) n° 70/97
- Vapautus arvotullista — asetus (EY) N:o 70/97
- Befrielse från värdetull — förordning (EG) nr 70/97

At the request of the interested party, this indication shall be added to licences issued before the entry into force of this Regulation and not yet used.

Article 2

Where the quantities for which import licence applications are submitted for the products and origins referred to in Article 1 reach the ceilings set in Annex D to Regulation (EC) No 70/97, the Commission shall take the measures necessary to avoid quantities imported at the preferential rate exceeding that platform.

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 until 31 December 1997.

⁽¹⁾ OJ No L 16, 18. 1. 1997, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1997, p. 4.

⁽³⁾ OJ No L 185, 4. 8. 1995, p. 10.

⁽⁴⁾ OJ No L 249, 17. 10. 1995, p. 12.

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1481/97

of 28 July 1997

derogating for the 1996/97 marketing year from some provisions of Regulation (EEC) No 3105/88 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1417/97 ⁽²⁾, and in particular Article 35 thereof,

Whereas Article 12 (1) of Commission Regulation (EEC) No 3105/88 ⁽³⁾ laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87, as last amended by Regulation (EC) No 2365/95 ⁽⁴⁾, stipulates that distillation may not take place after 31 August of the marketing year in question;

Whereas for 1996/97 this date poses serious difficulties as regards distillation of the products referred to in Article 35, in view of the other large quantities to be distilled under the various voluntary distillation operations launched for that marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 12 (1) of Regulation (EEC) No 3105/88, for the 1996/97 marketing year distillation under Article 35 of Regulation (EEC) No 822/87 may be performed until 15 September 1997.

Article 2

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

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

Done at Brussels, 28 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 196, 24. 7. 1997, p. 10.

⁽³⁾ OJ No L 277, 8. 10. 1988, p. 21.

⁽⁴⁾ OJ No L 241, 10. 10. 1995, p. 17.

COMMISSION REGULATION (EC) No 1482/97

of 28 July 1997

laying down provisions for the free zone of Madeira for the implementation of Council Regulation (EC) No 122/96 establishing favourable tariff treatment for imports of certain goods into the free zones of Madeira and the Azores by reason of their end-use

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 122/96 of 22 January 1996 establishing favourable tariff treatment for imports of certain goods into the free zones of Madeira and the Azores by reason of their end use ⁽¹⁾, and in particular Article 2 and 3 thereof,

Whereas the request submitted by the Portuguese authorities by virtue of Article 2 (1) of Regulation (EC) No 122/96 only concerns the free zone of Madeira;

Whereas, in view of the aforementioned request and the promotion of activities in the free zone of Madeira, the Commission must draw up a list of goods subject to exoneration of customs duties under the terms of Article 2 of Regulation (EC) No 122/96, on condition that these goods are destined for substantial transformation in the sense of Article 24 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 82/97 ⁽³⁾;

Whereas, it is appropriate to fix the control measures designed to ensure that the admittance of goods to favourable tariff treatment by reason of their end-use conforms to Articles 291 to 304 of Commission Regulation (EEC) No 2454/93 ⁽⁴⁾, as last amended by Regulation (EC) 89/97 ⁽⁵⁾; fixing certain provisions of the application of Regulation (EEC) No 2913/92 and that, as these operations of end-use are carried out inside the free zone of Madeira, the regulation concerning free zones is an application, particularly of Articles 799 to 842 of Regulation (EEC) No 2454/93;

Whereas commercial policy measures are applicable when goods are entered for end use;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the terms of Articles 1 and 2 of Regulation (EC) No 122/96, the customs duties applicable to goods put into free circulation in the free zone of Madeira which are shown in Annex I, are totally suspended according to the arrangements foreseen by Articles 2 and 3, until 31 December 2005.

Article 2

1. The authorization under Article 291 (2) of Regulation (EEC) No 2454/93 shall be issued on a written request of the person concerned by the customs authorities responsible for the supervising of the free zone of Madeira.

2. The request shall conform to the model in Annex II. In addition to the possibly required information prescribed by Article 291 paragraph 3, the applicant shall provide in the application for the information required under the various headings listed in that model. Applications shall be signed and dated.

3. The authorization admitting the entrance of goods for free circulation with favourable tariff treatment shall be granted in accordance with the model in Annex III.

Article 3

1. The goods put into free circulation inside the free zone benefiting from a zero rate of duty foreseen by this regulation remain under customs surveillance under the terms of Article 82 of Regulation (EEC) No 2913/92.

2. All the end-use operations must be shown in the stock records agreed according to Articles 293 (b) and 817 of Regulation (EEC) No 2454/93.

3. The following additional information shall be included in the stock records:

(a) particulars of the goods released under the end-use arrangement;

⁽¹⁾ OJ No L 20, 26. 1. 1996, p. 4.

⁽²⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽³⁾ OJ No L 17, 21. 1. 1997, p. 1.

⁽⁴⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁵⁾ OJ No L 17, 21. 1. 1997, p. 28.

- (b) particulars of the assigned end-use;
- (c) particulars of the products resulting from the assigned end-use.

4. The goods released having benefited from zero rate of duty according to the terms of paragraph 1, are subject to the following conditions:

- (a) for the products resulting from the end-use foreseen, proof that they have undergone the transformation required by Article 24 of Regulation (EEC) No 2913/92 must be provided;
- (b) for other products:
 - in the case of exportation, the presentation of the declaration of exportation,

- in the case of destruction outside the free zone, the presentation of an authorization to that effect; the waste or scrap resulting from the destruction must be put to one of the customs-approved treatments or uses provided for non-Community goods,
- if the goods are used for ends other than those foreseen by this regulation, the customs duties must be discharged.

Article 4

This Regulation shall enter into force on the third day following 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, 28 July 1997.

For the Commission

Mario MONTI

Member of the Commission

ANNEX I

LIST OF PRIMARY MATERIALS

Code No	Description
3204 11 00 3204 12 00 3204 13 00 3204 14 00 3204 15 00 3204 16 00	Synthetic organic colouring matter, whether or not chemically defined; preparations based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined
3208 10 10 3208 10 90 3208 20 10 3208 20 90 3208 90 19 3208 90 91 3208 90 99	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium; solutions as defined in note 4 to this chapter
3209	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in an aqueous medium:
3301 11 10 3301 11 90 3301 12 10 3301 12 90 3301 13 10 3301 13 90 3301 14 10 3301 14 90 3301 19 10 3301 19 90 3301 21 90 3301 22 90 3301 23 90 3301 24 90 3301 25 90 3301 26 90 3301 29 31 3301 29 91 3301 30 00 3301 90 10 3301 90 21 3301 90 90	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the distillation of essential oils; aqueous distillates and aqueous solutions of essential oils
3302 10 21	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry: other preparations based on odoriferous substances, of a kind used in the food or drink industry. Containing no milkfats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch
3506 99 00	Other prepared glues not elsewhere specified or included
3823 70 00	Industrial fatty alcohols
3901 10 10 3901 10 90 3901 20 90 3901 30 00 3901 90 90	Polymers of ethylene, in primary forms
3902 10 00	Polypropylene
3903 11 00 3903 19 00 3903 20 00 3903 30 00 3903 90 90	Polymers of styrene, in primary forms

Code No	Description
3906 10 00	Polymethyl methacrylate
3907 30 00	Epoxide resins
3908	Polyamides in primary forms
3909 50 90	Other polyurethanes
3910 00 00	Silicones in primary forms
3919	Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls
3921 11 00 3921 12 00 3921 13 3921 14 00 3921 19 3921 90 19 3921 90 20 3921 90 30 3921 90 41 3921 90 43 3921 90 49 3921 90 50 3921 90 60	Other plates, sheets, film, foil and strip, of plastics
4104 10 91 4104 10 95 4104 10 99 4104 21 00 4104 22 90 4104 29 00 4104 31 4104 39	Leather of bovine or equine animals, without hair on, other than leather of heading 4108 and 4109
4407 10 10 4407 10 31 4407 10 39 4407 10 50 4407 10 79 4407 24 10 4407 24 30 4407 24 50 4407 25 10 4407 25 31 4407 25 39 4407 25 50 4407 26 10 4407 26 31 4407 26 39 4407 26 50 4407 29 10 4407 29 20 4407 29 31 4407 29 39 4407 29 50 4407 29 70 4407 29 83 4407 29 85 4407 91 10 4407 91 31 4407 91 39 4407 91 50 4407 92 10 4407 92 30 4407 92 50 4407 99 10 4407 99 30 4407 99 50	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm

Code No	Description
4413 00 00	Densified wood, in blocks, plates, strips or profile shapes
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and punch card stock and punch tape paper, in rolls or sheets, other than paper of heading No 4801 or 4803; handmade paper and paperboard
4804	Uncoated kraft paper and paperboard, in rolls or sheets, other than that of heading No 4802 or 4803
4805	Other uncoated paper and paperboard, in rolls or sheets, not further worked or processed than as specified in note 2 to this chapter
4806	Vegetable parchment, greaseproof papers, tracing papers and glassine and other glazed transparent or translucent papers, in rolls or sheets
4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than paper of the kind described in heading No 4803
5007	Woven fabrics of silk or of silk waste
5112	Woven fabrics of combed wool or of combed fine animal hair
5204 11 00 5204 19 00	Cotton sewing thread, not put up for retail sale
5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale
5208 31 00 5208 33 00	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ² , dyed: – plain weave, weighing not more than 100 g/m ² – 3-thread or 4-thread twill, including crosstwill
5209 11 00 5209 31 00 5209 39 00	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing more than 200 g/m ² : – unbleached, plain weave – dyed, plain weave – dyed, other fabrics
5210 31 5210 32 00 5210 41 00 5210 42 00	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing not more than 200 g/m ² , – dyed, plain weave – dyed, 3-thread or 4-thread twill, including crosstwill – of yarn of different colours, plain weave – of yarn of different colours, 3-thread or 4-thread twill, including crosstwill
5211 31 00 5211 32 00 5211 41 00 5211 42 00	Woven fabrics of cotton, containing less than 85 % by weight of cotton, weighing more than 200 g/m ² , – dyed, plain weave – dyed, 3-thread or 4-thread twill, including crosstwill – of yarn of different colours, plain weave – of yarn of different colours, denim
5309	Woven fabrics of flax
5310	Woven fabrics of jute or of other textile bast fibres of heading No 5303

Code No	Description
5407 51 00 5407 52 00 5407 82 00	Other woven fabrics of synthetic filaments: – containing 85 % or more by weight of non-textured polyester filaments: – – unbleached or bleached – – dyed – containing less than 85 % by weight of synthetic filaments, mixed mainly or solely with cotton: – – dyed
5508 10 11 5508 10 19	Sewing thread of man-made synthetic staple fibres, not put up for retail sale
5601 30 00	Textile flock and dust and mill neps
5806	Narrow woven fabrics, other than goods of heading No 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)
5807 10	Woven labels, badges and similar articles of textile materials, in the piece, in strips or cut to shape or size, not embroidered
5808	Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles
Chap. 60	Knitted or crocheted fabrics
7015 10 00	Glasses for corrective spectacles
7018 10 19 7018 10 30 7018 10 59 7018 10 90	Glass beads, imitation pearls, imitation precious or semi-precious stones and similar glass smallwares
7019 11 00 7019 12 00 7019 19 7019 40 00 7019 51 7019 52 00	Glass fibres (including glass wool): – slivers, rovings, yarn and chopped strands: – – chopped strands, of a length of not more than 50 mm – – rovings – – other – woven fabrics of rovings – other woven fabrics: – – of a width not exceeding 30 cm – – of a width exceeding 30 cm, plain weave, weighing less than 250 g/m ² , of filaments measuring per single yarn not more than 136 tex
7104 10 00 7104 90 00	Piezo-electric quartz Other synthetic or reconstructed precious or semi-precious stones
7106 10 00	Silver in powder form
7108 13 50 7108 13 90	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms – thin sheets and strips (foil) of a thickness, excluding any backing, not exceeding 0,15 mm – other
7109 00 00	Base metals or silver, clad with gold, not further worked than semi-manufactured
7110 19 30 7110 19 50 7110 19 90	Platinum, unwrought or in semi-manufactured forms – tubes, pipes and hollow bars – thin sheets and strips (foil) of a thickness, excluding any backing, not exceeding 0,15 mm – other

Code No	Description
8505 90 90	Other parts of articles of No 8505
8506 90 00	Parts of primary cells and primary batteries
8507 90 91 8507 90 93 8507 90 98	Other parts of electric accumulators, including separators therefor, whether or not rectangular (including square)
8509 90 10 8509 90 90	Parts of electro-mechanical domestic appliances, with self-contained electric motor
8511 90 00	Parts of electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines
8512 90 00	Parts of electrical lighting or signalling equipment (excluding articles of heading No 8539), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles
8513 90 00	Parts of portable electric lamps designed to function by their own source of energy other than lighting equipment of heading No 8512
8514 90 00	Parts of industrial or laboratory electric (including induction or dielectric) furnaces and ovens and other industrial or laboratory induction or dielectric heating equipment
8516 90 00	Parts of articles of No 8516
8518 90 00	Parts of articles of No 8518
8538 90 10	Electronic assemblies suitable for use solely or principally with the apparatus of heading Nos 8535, 8536 or 8537
8540 91 00 8540 99 00	Parts of articles of No 8540
8541 90 00	Parts of articles of No 8541
8544 51 00	Other electric conductors, for a voltage exceeding 80 V but not exceeding 1 000 V fitted with connectors
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks
9607	Slide fasteners and parts thereof

*ANNEX II***MODEL APPLICATION FOR FAVOURABLE TARIFF TREATMENT FOR CERTAIN GOODS
IN THE FREE ZONE OF MADEIRA BY REASON OF THEIR END-USE**

Date:

NB: The particulars should be supplied in the order indicated. Information relating to goods must be given for every type of goods concerned.

1. Name or business name and address:

- (a) of the applicant:
- (b) of the operator in the free zone:

2. Assigned end-use:

- (a) Combined Nomenclature classification for the import goods
- (b) trade and/or technical description:
- (c) prescribed end-use
- (d) products resulting from the assigned end-use:

3. Place where the end-use operation is to be carried out:**4. Estimated time needed to carry out the end-use operation****5. Intended duration of authorization****6. Reference to authorizations issued:**

- (a) in the preceding three years in respect of goods identical to those covered by this application:
- (b) in respect of the goods to undergo assigned end-use:

Date:

Signature:

Notes concerning the application

1. *Name or business name and address:* where the application is submitted on the applicant firm's headed notepaper, section 1 (a) need not be completed provided this information is shown on the letterhead. Section 1 (b) must be completed where the applicant and the operator are not the same person.
 2. *Assigned end-use:*
 - (a) Combined Nomenclature classification: only the four-digit code need be given, unless the eight-digit classification is needed to enable an authorization to be issued and allow the processing operations to be properly administered;
 - (b) trade and/or technical description: the description should be sufficiently clear and detailed to enable a decision to be taken on the application, and in particular to decide in the light of information supplied whether the transformation can be considered as sufficient;
 - (c) description of the assigned end-use: describe the operations to be carried out on the import goods in order to produce the compensating products;
 - (d) products resulting from the end-use: state which compensation product(s) result from the transformation of the import goods.
 3. *Place where the assigned end-use operation is to be carried out:* give the address of the place where the operations will be carried out.
 4. *Estimated time needed to carry out the end-use operation:* indicate the average time likely to be needed to process a given batch (expressed e.g. by unit or quantity) of the goods, and indicate the time likely to elapse between the entry into free circulation with end-use relief and the completion of the end-use operations;
 5. *Intended duration of authorization:* indicate the period during which it is planned to import goods with end-use relief
 6. *Reference to authorizations issued:*
 - (a) in the three preceding years in the case of goods identical to those covered by this authorization: give particulars of any known authorizations. Where none is known, state 'none'.
 - (b) in respect of the goods to undergo assigned end-use: state whether the goods are products resulting from the assigned end-use obtained under one or more earlier authorizations and if so, give reference particulars of the authorization(s) in question.
-

*ANNEX III***MODEL AUTHORIZATION FOR FAVOURABLE TARIFF TREATMENT FOR CERTAIN
GOODS IN ZONE OF MADEIRA BY REASON OF THEIR END-USE**

Date:

Reference to application:

NB: The particulars should be supplied in the order indicated. The authorisation must contain particulars of the application.
Where information is supplied by reference to the application, the application shall constitute an integral part of the authorisation.

1. Name or business name and address:

(a) of the holder of the authorization:

(b) of the operator:

2. Goods to be assigned to the end-use:

(a) Combined Nomenclature classification for the import goods:

(b) trade and/or technical description:

(c) prescribed transformation:

(d) products resulting from the assigned end-use (classification and commercial/technical description):

3. Place where the end-use operations are to be carried out:**4. Nature of end-use operation:****5. Period of validity:**

Date:

Signature:

(stamp)

COMMISSION REGULATION (EC) No 1483/97
of 28 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 29 July 1997.

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

Done at Brussels, 28 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 28 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	51,3
	999	51,3
0805 30 30	388	62,8
	524	64,9
	528	57,7
	999	61,8
	052	158,3
0806 10 40	412	124,1
	512	119,7
	600	156,7
	624	172,4
	999	146,2
	388	86,0
	400	68,5
0808 10 71, 0808 10 73, 0808 10 79	508	76,0
	512	49,7
	524	72,0
	528	71,8
	800	154,7
	804	82,4
	999	82,6
	388	67,1
	512	62,4
	528	85,6
0808 20 51	999	71,7
	052	214,8
	064	98,3
0809 10 40	999	156,6
	052	228,4
	064	184,0
0809 20 59	400	226,9
	616	180,9
	999	205,0
	064	126,9
0809 40 30	624	185,5
	999	156,2

⁽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'.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 July 1997

appointing two members and two alternate members of the Committee of the Regions

(97/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decisions of 26 January 1994 ⁽¹⁾ and 23 January 1995 ⁽²⁾ appointing members and alternate members of the Committee of the Regions,

Whereas a seat as member of the Committee has become vacant following the resignation of Mr Artur TORRES PEREIRA, member, notified to the Council on 29 January 1997,

Having regard to the proposal from the Portuguese Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Francisco Augusto CAIMOTO AMARAL is hereby appointed a member of the Committee of the Regions in place of Mr Artur TORRES PEREIRA for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 22 July 1997.

For the Council

The President

J. POOS

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

⁽²⁾ OJ No L 25, 2. 2. 1995, p. 20.

COUNCIL DECISION

of 22 July 1997

providing macro-financial assistance for the former Yugoslav Republic of Macedonia

(97/471/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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

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

Whereas the Commission has consulted the Monetary Committee before submitting its proposal;

Whereas the former Yugoslav Republic of Macedonia is undertaking fundamental political and economic reforms and is making substantial efforts to establish an open market economy;

Whereas the former Yugoslav Republic of Macedonia and the European Community have signed a Cooperation Agreement and an Agreement in the field of transport which will help the development of a full cooperation relationship;

Whereas the former Yugoslav Republic of Macedonia has agreed with the International Monetary Fund (IMF) on a comprehensive set of stabilization and policy reform measures to be supported by a loan under the Enhanced Structural Adjustment Facility (ESAF);

Whereas the former Yugoslav Republic of Macedonia has agreed with the World Bank on a comprehensive set of structural adjustment measures to be backed by a Structural Adjustment Loan and Credit;

Whereas the authorities of the former Yugoslav Republic of Macedonia have requested financial assistance from the international financial institutions, the Community and other bilateral donors; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank, an important residual financing gap remains to be covered in the remainder of 1997 in order to strengthen the country's reserve position and support the policy objectives attached to the government's reform effort;

Whereas the authorities of the former Yugoslav Republic of Macedonia have committed themselves to fully discharge their outstanding financial obligations towards

the European Community and the European Investment Bank;

Whereas a Community long-term loan to the former Yugoslav Republic of Macedonia is an appropriate measure to help ease the country's external financial constraints, supporting the balance of payments and strengthening the reserve position;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall make available to the former Yugoslav Republic of Macedonia a long-term loan facility of a maximum principal amount of ECU 40 million with a maximum maturity of fifteen years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the country's reserve position.
2. To this end, the Commission is empowered to borrow, on behalf of the European Community, the necessary resources that will be placed at the disposal of the former Yugoslav Republic of Macedonia in the form of a loan.
3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and the former Yugoslav Republic of Macedonia.

Article 2

1. The Commission is empowered to agree with the authorities of the former Yugoslav Republic of Macedonia, after consultation with the Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with the agreements referred to in Article 1 (3).
2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in coordination with the IMF, that the economic policy in the former Yugoslav Republic of Macedonia is in accordance with the objectives of this loan and that its conditions are being fulfilled.

⁽¹⁾ OJ No C 190, 21. 6. 1997, p. 31.

⁽²⁾ OJ No C 200, 30. 6. 1997.

Article 3

1. The loan shall be made available to the former Yugoslav Republic of Macedonia in two tranches. The first tranche is to be released subject to the provisions of Article 2 and after the full settlement of all due financial obligations of the former Yugoslav Republic of Macedonia towards the Community and the European Investment Bank.

2. Subject to the provisions of Article 2, the second tranche shall be released on the basis of a satisfactory track record in the implementation of the ESAF programme and not before three months after the release of the first tranche.

3. The funds shall be paid to the National Bank of the former Yugoslav Republic of Macedonia.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if the former Yugoslav Republic of Macedonia so requests, to ensure that an early repayment clause is included in the loan terms and conditions and that it may be exercised.

3. At the request of the former Yugoslav Republic of Macedonia, and where circumstances permit an improve-

ment in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by the former Yugoslav Republic of Macedonia.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 22 July 1997.

For the Council

The President

J. POOS

COUNCIL DECISION
of 22 July 1997
providing macro-financial assistance for Bulgaria

(97/472/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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

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

Whereas the Commission has consulted the Monetary Committee before submitting its proposal;

Whereas Bulgaria is undertaking fundamental economic reforms and is making strenuous efforts to implement a market economy model;

Whereas a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part ⁽³⁾ has been concluded;

Whereas, by Decision 91/311/EEC ⁽⁴⁾, the Council decided to grant Bulgaria medium-term financial assistance for an amount of ECU 290 million, to ensure a sustainable balance of payments by that country, and whereas, by Decision 92/511/EEC ⁽⁵⁾, the Council decided to grant Bulgaria further assistance for an amount of ECU 110 million;

Whereas however additional adjustment and reform measures are necessary in Bulgaria to strengthen the financial sector and to accelerate privatization;

Whereas Bulgaria has reached an agreement with the International Monetary Fund (IMF) in April 1997 on an economic programme which would be supported by a 'stand-by' arrangement;

Whereas the authorities of Bulgaria have requested financial assistance from the international financial institutions, the Community and other bilateral donors; whereas, over and above the estimated financing which could be provided from private sources and by the IMF and the World Bank, a residual financing gap of some US \$ 550 million remains to be covered during the programme period in order to strengthen Bulgaria's reserve position

and support the policy objectives attached to the government's economic programme;

Whereas the provision by the Community of a new long-term loan to Bulgaria is an appropriate measure to support the balance of payments and to strengthen the country's reserve position;

Whereas the Community loan should be managed by the Commission;

Whereas, for the adoption of this Decision, the Treaty does not provide for powers to act other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall make available to Bulgaria a long-term loan facility of a maximum principal amount of ECU 250 million, with a maximum maturity of ten years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the country's reserve position.
2. To this end, the Commission is empowered to borrow, on behalf of the European Community, the necessary resources that will be placed at the disposal of Bulgaria in the form of a loan.
3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with an agreement reached between the International Monetary Fund and Bulgaria.

Article 2

1. The Commission is empowered to agree with the authorities of Bulgaria, after consultation with the Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with the agreements referred to in Article 1 (3).
2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in co-ordination with the International Monetary Fund, that Bulgaria's economic policy is in accordance with the objectives of this loan and that its conditions are being fulfilled.

⁽¹⁾ OJ No C 190, 21. 6. 1997, p. 29.

⁽²⁾ OJ No C 200, 30. 6. 1997.

⁽³⁾ OJ No L 358, 31. 12. 1994, p. 2. Agreement as last amended by a Third Additional Protocol (OJ No L 103, 26. 4. 1996, p. 53).

⁽⁴⁾ OJ No L 174, 3. 7. 1991, p. 36.

⁽⁵⁾ OJ No L 317, 31. 10. 1992, p. 94.

Article 3

1. The loan shall be made available to Bulgaria in at least two instalments. Subject to Article 2 the first instalment is to be released on the basis of the completion of the first review of the 'stand-by' arrangement agreed with the International Monetary Fund.
2. Subject to Article 2 the later instalments shall be released on the basis of a satisfactory continuation of the 'stand-by' arrangement and not before three months after the release of the first instalment.
3. The funds shall be paid to the Bulgarian National Bank.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risk, or in any other commercial risk.
2. The Commission shall take the necessary steps, if Bulgaria so requests, to ensure that an early repayment clause is included in the loan conditions and that it may be exercised.
3. At the request of Bulgaria, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial

borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Bulgaria.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 22 July 1997.

For the Council

The President

J. POOS

Information regarding the date of entry into force of the Additional Protocol to the Europe Agreement on trade in textiles products between the European Community and Poland ⁽¹⁾

As the Contracting Parties have notified each other of the completion of the procedures necessary for the entry into force of the Additional Protocol to the Europe Agreement on trade in textiles products between the European Community and Poland, the Protocol will enter into force on 1 August 1997, in accordance with Article 15 thereof.

⁽¹⁾ OJ No L 127, 20. 5. 1997, p. 140.

COMMISSION

COMMISSION DECISION

of 10 July 1997

amending Decision 97/28/EC authorizing a method for grading pig carcasses in France

(Only the French text is authentic)

(97/473/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas Commission Decision 97/28/EC ⁽³⁾ authorizes a method for grading pig carcasses in France;

Whereas Decision 97/28/EC contains a derogation as regards the standard quality of pig carcass; whereas the French authorities have informed the Commission that this derogation is no longer necessary, although the possibility of presenting carcasses with or without tongue should be maintained; whereas, as a result, that Decision should be amended;

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

Article 1

Article 2 of Decision 97/28/EC is hereby replaced by the following:

'Article 2

Notwithstanding the standard presentation referred to in Article 2 of Regulation (EEC) No 3220/84, pig carcasses may be presented with the tongue during weighing and grading. In such cases, in order to establish quotations for pig carcasses on a comparable basis, the recorded warm weight shall be reduced by 0,5 %.'

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 10 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ No L 12, 15. 1. 1997, p. 30.