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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1585/97

of 24 July 1997

on the implementing methods for Decision No 1/97 of the EC-Cyprus Association Council derogating from the provisions concerning the definition of the concept of originating products laid down in the Agreement establishing an association between the European Economic Community and the Republic of Cyprus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus⁽¹⁾ was signed on 19 December 1972; whereas it entered into force on 1 June 1973;

Whereas the Additional Protocol⁽²⁾ to the said Agreement was signed at Brussels on 15 September 1977; whereas it entered into force on 1 June 1978;

Whereas, pursuant to Article 25 of the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Additional Protocol, as extended by Article 2 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement⁽³⁾, which was signed at Luxembourg on 19 October 1987, entered into force on 1 January 1988 and forms an integral part of the Agreement, the EC-Cyprus Association Council adopted Decision No 1/97⁽⁴⁾ derogating from the rules of origin applicable to certain textile products;

Whereas the implementing methods for this Decision should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities listed in Annex I to Decision No 1/97 shall be administered by the Commission.

If an importer enters, for circulation in a Member State, a product covered by a certificate EUR. 1 bearing the endorsement referred to in Article 4 of Decision No 1/97 and that entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements.

2. Requests for drawing, endorsed with the date of acceptance of the said entry, must be forwarded to the Commission forthwith.

3. Drawings shall be granted by the Commission in chronological order of the date of acceptance by the customs authorities of the Member State concerned of the entry for free circulation, to the extent that the available balance of the said amount so permits.

4. Should a Member State fail to use the quantities it has drawn, it shall return them as soon as possible.

5. If the quantities requested are greater than the available balance of the amount, they shall be granted *pro rata*, pursuant to paragraph 3. The Commission shall inform the Member States of the drawings made.

Member States shall be informed forthwith when the quantity has been used up.

Article 2

This Regulation shall apply for a period of two years starting on 28 July 1997.

Article 3

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 2.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

⁽³⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽⁴⁾ See page 36 of this Official Journal.

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

Done at Brussels, 24 July 1997.

For the Council

The President

M. FISCHBACH

COMMISSION REGULATION (EC) No 1586/97

of 29 July 1997

laying down detailed implementing rules for the use of set-aside land for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1422/97 ⁽²⁾, in particular Articles 12 and 16 thereof,

Having regard to Council Decision 93/355/EEC of 8 June 1993 concerning the conclusion of a Memorandum of Understanding on certain oil seeds between the European Economic Community and the United States of America within the framework of the GATT ⁽³⁾, in particular point 7 of the Memorandum of Understanding on oil seeds,

Whereas Article 7 (4) of Council Regulation (EEC) No 1765/92 allows set-aside land to be used for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption, provided that effective control systems are applied;

Whereas in the light of experience it is necessary to make further amendments to the implementing rules for the use of set-aside land for the provisions of materials for the manufacture within the Community of products not primarily intended for human or animal consumption; whereas Commission Regulation (EEC) No 334/93 of 15 February 1993 laying down detailed implementing rules for the use of land set aside for the provisions of materials for the manufacture within the Community of products not primarily intended for human or animal consumption ⁽⁴⁾, as last amended by Regulation (EC) No 2991/95 ⁽⁵⁾, has been amended on several occasions; whereas in order to clarify matters, Regulation (EEC) No 334/93 should be recast; whereas Regulation (EEC) No

334/93 should, therefore, be repealed whilst the legitimate expectations established thereby should be safeguarded;

Whereas the raw materials, and the end products which may be produced from them, should be restricted in order to safeguard traditional markets without minimizing the scope for finding new outlets for the raw materials;

Whereas it is necessary to continue to define the concept of an end product not primarily intended for human or animal consumption;

Whereas the application of this scheme should, on the one hand, take into consideration any specific conditions prevailing in certain Member States, in particular conditions relating to agricultural practice, control, public health or the environment, or in terms of their criminal law, but on the other hand, the disparities in the treatment of such factors should be minimized within the Community;

Whereas neither the raw material cultivated on set-aside land nor any product derived from the raw material should benefit from any aid granted by the Community;

Whereas it is appropriate in laying down implementing measures to distinguish between raw materials which have the potential to be used for human or animal consumption and those which do not have that potential;

Whereas the role of each principal intervening party in the market should be clearly defined; whereas, since it is necessary to continue to provide explicitly for the form of commerce in this market, the concept of the collector should be defined; whereas it is necessary to define the raw materials which may be grown on set-aside land as well as the end use for which the raw materials may be destined in order to allow the agricultural producer to benefit from this regime without delay;

Whereas it is necessary to distinguish explicitly between the responsibilities of the claimant, which end with delivery of the entire amount of raw material harvested, and the responsibilities of the collector or first processor, which commence at delivery and end with the processing of the raw materials into the intended final non-food end products; whereas a failure on the part of the claimant to fulfil his responsibilities will lead to the application to him of penalties pursuant to Commission Regulation

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 196, 24. 7. 1997, p. 18.

⁽³⁾ OJ No L 147, 18. 6. 1993, p. 25.

⁽⁴⁾ OJ No L 38, 16. 2. 1993, p. 12.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 9.

(EEC) No 3887/92⁽¹⁾, as last amended by Regulation (EC) No 2015/95⁽²⁾; whereas a failure on the part of the collector or first processor to fulfil his responsibilities will lead to the forfeiture of part or all of the security lodged by him pursuant to Commission Regulation (EEC) No 2220/85⁽³⁾, as last amended by Regulation (EC) No 3403/93⁽⁴⁾;

Whereas it is further necessary to specify a method to be used to evaluate those products which are not considered to be intended for human or animal consumption, and those products which are intended for those destinations in order to determine the ratio between those two types of product, that ratio being the criterion serving to identify the primary end use;

Whereas, for reasons of control, it is necessary to require that the raw material cultivated be the subject of a contract between the agricultural producer designated as the claimant and either a first processor or a collector; whereas that contract should serve as a significant instrument in contributing to a balanced market; whereas, by virtue of Article 6 (9) of Council Regulation (EEC) No 3508/92⁽⁵⁾, as last amended by Regulation (EC) No 820/97⁽⁶⁾, that contract is considered to be part of the area aid application; whereas experience has shown that for reasons of control that contract should be submitted by both the claimant and the collector or first processor to their respective competent authorities before compensation should be paid;

Whereas effective control of the scheme requires the claimant to inform the competent authority in the case where he will be unable to provide all or part of the raw material specified in the contract; whereas it is appropriate to allow the contract to be amended or rescinded in the case of specific circumstances outside normal agronomic conditions; whereas it is appropriate to clarify conditions under which the amendment may lead to a reduction in the land covered by the contract without the claimant's right to compensation being lost;

Whereas the requirement to conclude a contract before the first sowing of the raw material creates logistical difficulties for the claimant; whereas effective control of the scheme would not be diminished if the contract were to be concluded by the date of the submission of the area aid application or the submission of a copy of the contract by the collector or first processor, whichever is the earlier;

Whereas, for reasons of control, it is necessary to ensure that the yield which is specified in the contract between

the claimant and the collector or first processor should at least comply with the forecast yield;

Whereas it is necessary to ensure that the quantity of raw material harvested on the area under contract is delivered in its entirety to a first processor or a collector; whereas, in order to ensure that this condition has been met, both the claimant and the collector or first processor must submit a declaration to their respective competent authorities;

Whereas experience has shown that the requirement to inform the competent authority concerned of the variety of the raw material that has been delivered by the claimant and that has been received by the collector or first processor is not necessary for effective control of the scheme;

Whereas the claimant should submit, in return for the compensation received for the obligation to set land aside, to a control discipline whereby he must declare the areas concerned as well as the quantities harvested;

Whereas, for reasons of control, it is necessary that for raw materials which may benefit from public intervention buying outside this scheme, as well as those produced from certain rape and colza seeds and sunflower seeds, a representative individual yield or, as the case may be, a representative local yield is established; whereas the localities used in the calculation of the representative local yield may, but need not, correspond to the regions as set out in the regionalization plan pursuant to Regulation (EEC) No 1765/92; whereas effective control will be improved for such raw materials if the quantity delivered complies with those representative yields; whereas in duly justified cases, a shortfall of up to 10 % of those yields would be acceptable; whereas in specific circumstances outside normal agronomic conditions a greater shortfall could be justified;

Whereas, to preclude speculation and to ensure processing of the raw material into the intended end product, it is necessary to set up a control system requiring the collector or first processor to lodge a security; whereas the level of this security should be sufficient to guard against the risk of the raw materials being put to an end use for human or animal consumption; whereas a level of ECU 250 per hectare of land used to grow the raw material would be sufficient; whereas the security may be released *pro rata*, in accordance with the quantities of end products produced within a specific time-limit; whereas by virtue of the last indent of Article 12 (4) of Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾, the operative event for the agricultural conversion rate for the security is the date on which the security takes effect;

⁽¹⁾ OJ No L 391, 31. 12. 1992, p. 36.

⁽²⁾ OJ No L 197, 22. 8. 1995, p. 2.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 4.

⁽⁵⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 117, 7. 5. 1997, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

Whereas experience has shown that, when a collector who has lodged a security subsequently delivers the raw material under contract to a first processor, it is the first processor and not the collector who will process the raw material into its end product; whereas therefore it would be appropriate to enable that security to be released if the first processor has lodged an equivalent security with his competent authority;

Whereas, for reasons of clarity, it is appropriate to specify that equivalent quantities of intermediate or by-products to those resulting from the harvested raw material may be used in the scheme; whereas, when equivalents to the harvested raw material, or intermediate or by-products resulting from the harvested raw material, originating in a Member State other than that where the raw material is harvested, are used in the scheme, it is necessary for the Member States to inform each other of the transaction so that appropriate controls may be made;

Whereas the scheme would better correspond with commercial practice if the collector or first processor were allowed to change the end uses envisaged mentioned in the contract, after the claimant has delivered the raw material under this Regulation, whilst maintaining effective control of the scheme;

Whereas certain transport operations around the Community of raw materials and products derived from them should be covered by control systems so as to ensure their traceability and to ensure that the requirements of this Regulation have been met in respect of them; whereas such control systems should include the use of declarations and T5 control copies; whereas the raw materials, intermediate products, co-products or by-products governed by a contract under the scheme should be accompanied by a control copy T5, to be issued in accordance with Commission Regulation (EEC) No 2454/93⁽¹⁾, as last amended by Regulation (EC) No 1427/97⁽²⁾, until the manufacture of the end product envisaged in the contract;

Whereas it is necessary to specify that the processing of the raw materials into one of the eligible end products should take place by 31 July of the second year which follows the harvest;

Whereas Regulation (EEC) No 1765/92 enables the Commission to set conditions for the cultivation of crops without compensation on set-aside land; whereas it is desirable to allow the cultivation of sugar beet, Jerusalem artichokes and chicory roots without compensation on set-aside land provided that this does not have a detri-

mental effect on the sugar market; whereas it is nevertheless necessary to ensure that such cultivation is in conformity with the rules relating to the use of set-aside land for the growing of non-food crops; whereas to preclude speculation and to ensure processing of the raw material into the intended end product, a security should be lodged notwithstanding the fact that no compensation is payable;

Whereas, in order to comply with the Memorandum of Understanding on certain oil seeds between the European Economic Community and the United States of America within the framework of the GATT, it is necessary to introduce a monitoring system to assess the quantities of by-products destined for human or animal consumption, in terms of soya bean meal equivalents, resulting from rapeseeds, colza seeds, sunflower seeds and soya beans grown on set-aside land for purposes other than human or animal consumption;

Whereas in relation to raw materials which do not have the potential to be used for human or animal consumption, simplified rules may be adopted; whereas it suffices for the claimant to make a declaration in respect of the plots under such crops and the harvest cycle thereof and to give an undertaking that, in the event of the utilization or sale of the raw materials, they will be put to an end use not primarily intended for human or animal consumption;

Whereas a demonstrable measure of control should be established for each type of principal intervenor; whereas, wherever it is discovered that the rules established by this Regulation have not been observed, controls will be stepped up;

Whereas an evaluation of the scheme with a view to ensuring that the objectives of the reform of the common agricultural policy have been adhered to should be carried out on the basis of information about the actual use made of the scheme in the Member States;

Whereas anomalies between the textual description of certain raw materials and their CN codes have appeared because of amendments to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾, as last amended by Commission Regulation (EC) No 1195/97⁽⁴⁾; whereas it is therefore appropriate to adjust the CN codes concerned;

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

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽²⁾ OJ No L 196, 24. 7. 1997, p. 31.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 170, 28. 6. 1997, p. 11.

HAS ADOPTED THIS REGULATION:

Article 3

CHAPTER I

Definitions

Article 1

The following definitions shall apply for the purposes of this Regulation:

- 'the claimant' means the person who applies for the compensatory payment referred to in Article 2 (5) of Regulation (EEC) No 1765/92, hereinafter called 'compensation';
- 'the first processor' means the user of the raw materials who undertakes their first processing with a view to obtaining one or more of the products mentioned in Annex III;
- 'the collector' means each signatory of the contract provided for in Article 4 of this Regulation who buys on his own account the raw material mentioned in Annex I intended for the end uses mentioned in Annex III;
- 'the collector or first processor' means the collector or the first processor as the case may be.

CHAPTER II

Raw materials which need to be subject to a contract

Article 2

1. The provisions of this Chapter shall apply to the raw materials listed in Annex I, and in this Chapter the phrase 'raw materials' shall mean those raw materials.
2. No compensation, within the meaning of Article 2 (5) of Regulation (EEC) No 1765/92, shall be payable under the scheme established under this Chapter in respect of set-aside land on which sugar beet, Jerusalem artichokes or chicory roots are grown. All the provisions of this Chapter shall, however, apply where sugar beet, Jerusalem artichokes or chicory roots are grown on set-aside land in the same way as if compensation were payable.

1. Raw materials may be grown on set-aside land only on condition that their primary final use is in the manufacture of one of the products specified in Annex III. The economic value of the non-food products obtained from any processing of those raw materials must be higher than that of all other products destined for human or animal consumption obtained during the same processing, according to the valuation method set out in Article 6 (3).

2. Raw materials grown on set-aside land must be the subject of a contract pursuant to Article 4.

3. The claimant must deliver all the raw material harvested. The collector or first processor must take delivery of all the raw material delivered by the claimant and guarantee that an equivalent quantity of this raw material be used within the Community in the manufacture of one or more of the end products specified in Annex III.

Where the collector or first processor uses the actual raw material harvested in the manufacture of an intermediate or by-product, he may use an equivalent quantity of such intermediate or by-product in the manufacture of one or more end products referred to in the first subparagraph.

Where the collector or first processor makes use of the possibility in the first or second subparagraph, he shall inform the competent authority with which the security has been lodged. Where the equivalent quantity is used in a Member State other than that in which the raw material is harvested, the competent authorities of the Member States involved shall inform each other of the transaction.

Article 4

1. The claimant shall submit to his competent authority in support of his area aid application, a contract concluded between himself and either the collector or first processor.

2. The claimant shall ensure that the contract contains the following:

- (a) names and addresses of all the contracting parties;
- (b) duration of the contract;
- (c) the species of each raw material concerned and the area under each species;
- (d) the forecast quantity for each species and any conditions which may apply to its delivery. That quantity shall at least accord with the forecast yield considered representative by the competent authority for the raw material in question. The forecast yield shall take account of, *inter alia*, the stated average yield, if any, for the region concerned;

- (e) an undertaking to comply with the obligations pursuant to Article 3 (3);
- (f) the principal end uses envisaged for the raw material, each end use being in conformity with the conditions in Article 3 (1) and Article 6 (3).

3. The claimant shall ensure that the contract is concluded by a date which permits the collector or first processor to deposit a copy of the contract with his competent authority by the dates set out in Article 6 (1).

4. Where the contract relates to rapeseed, colza seeds, sunflower seeds or soya beans falling under CN codes ex 1205 00 90, 1206 00 90 or 1201 00 90, in addition to providing the information required under paragraph 2, the claimant shall ensure that the contract specifies the forecast quantity of by-products to be produced, destined for purposes other than human or animal consumption.

5. For control reasons, Member States may provide that each claimant may conclude only one supply contract for each raw material.

Article 5

1. Each year, in the area aid application submitted to his competent authority, the claimant shall identify the parcel or parcels in respect of which the raw materials are to be cultivated. For each parcel set aside and for each raw material cultivated thereon, the following particulars shall be mentioned:

- the species of the raw material and their varieties,
- the forecast yields for each species and variety.

Where, in a single holding, the same species or variety is also cultivated on non-set-aside land, that species or variety and its forecast yields shall be indicated, together with the parcels concerned, their location and identification.

2. If the parties to the contract amend or rescind the contract after the claimant has made an area aid application, the claimant shall remain entitled to claim compensation only if:

- he notifies his competent authority of the amendment or rescission, in order to enable all necessary controls to be carried out,
- he makes such notification at the latest by the final date allowed for the amendment of the area aid application in the Member State concerned.

Without prejudice to the first subparagraph, if the claimant informs his competent authority that, because of specific circumstances, he will be unable to provide all or

part of the raw material specified in the contract, the competent authority may, after having obtained sufficient evidence of these specific circumstances, allow the contract to be amended to the extent which appears justified or rescinded. In the event that the amendment of the contract leads to a reduction of the land covered by the contract or if the contract is rescinded, in order to maintain his right to compensation, the claimant shall:

- by any means authorized by the competent authority return any land in question to fallow,
- lose the right to sell, give away or use the raw material which has been taken out of the contract.

Without prejudice to the first subparagraph, the collector or first processor may change the principal end uses envisaged for the raw material mentioned in Article 4 (2) (f) after the raw material under contract has been delivered to the collector or first processor and the conditions referred to in the first subparagraph of paragraph 4 of this Article and Article 6 (4), first subparagraph, have been fulfilled. The change of end uses shall comply with the conditions set out in Article 3 (1) and Article 6 (3). The collector or first processor shall give prior notice to his competent authority in order to allow all necessary controls to be carried out.

3. For raw materials which may benefit from public intervention buying outside this scheme, as well as those rape or colza seeds falling under CN code ex 1205 00 90, with the exception of high erucic acid varieties, and sunflower seeds falling under CN code 1206 00 90, Member States shall establish each year before the harvest representative yields which are actually to be obtained. These representative yields shall be established either:

- on an individual basis for the holdings concerned, or
- on a local basis Member States shall select the localities to be used for the calculation of those yields, which may, but need not, correspond to the regions set out in their regionalization plan made pursuant to Regulation (EEC) No 1765/92.

Each year before the harvest, and not later than:

- for raw materials which may benefit from public intervention buying outside this scheme and for the rape or colza seeds mentioned in the first subparagraph, 31 July, and
- for the sunflower seeds mentioned in the first subparagraph, 31 August, Member States shall inform the claimants concerned of those representative yields.

4. The claimant shall declare to his competent authority the total quantity of raw material harvested, by species, and shall confirm the quantity delivered and the party to whom he has delivered this raw material.

For the raw materials specified in paragraph 3, the quantity actually to be delivered by the claimant to the collector or first processor shall at least accord with the representative individual yield or, as the case may be, the representative local yield relevant to the parcels concerned, as established by the Member States pursuant to that paragraph.

However:

- in duly justified cases, Member States may exceptionally accept a shortfall of up to 10 % of this yield, or
- in cases where the competent authority has allowed the contract to be amended or rescinded, pursuant to paragraph 2, second subparagraph, the competent authority may reduce the quantity that the claimant is required to deliver under the second subparagraph of this paragraph by the extent which appears justified.

Where, in relation to a given raw material, the claimant fails to deliver the amount required pursuant to this Regulation, he shall, for the purposes of Article 9 (2) of Regulation (EEC) No 3887/92, be considered not to have met all the obligations incumbent on him in regard to parcels fallowed for non-food purposes, in relation to an area calculated by multiplying the total area of set-aside land that he has used to produce that raw material under the scheme set up by this Regulation by the proportionate shortfall in delivery of that raw material.

5. For land set aside under the conditions set out in Regulation (EEC) No 1765/92, payment of the compensation to the claimant may be made before the processing of the raw material. However, this payment shall be made only when the quantity of raw material required to be delivered under the present Regulation has been delivered to the collector or first processor, and if:

- (a) the declaration mentioned in paragraph 4 has been made;
- (b) a copy of the contract has been deposited with the competent authority of the collector or first processor, the conditions referred to in Article 6 (2) have been fulfilled, and the information specified in Article 6 (4), first subparagraph, has been transmitted by either the collector or first processor;
- (c) the competent authority has received proof that the full security referred to in Article 7 (2) has been lodged;
- (d) the competent authority in charge of payment of the compensation has verified for each request that the conditions in Article 4 have been met.

Article 6

1. The collector or first processor shall deposit a copy of the contract with his competent authority:

- in respect of raw materials to be sown between 1 July and 31 December inclusive, by 31 December of the year concerned, or
- in respect of raw materials to be sown between 1 January and 30 June inclusive, by the final date for submission of the area aid application in the year concerned in the Member State concerned.

If the claimant and the collector or first processor amend or rescind the contract prior to the date referred to in Article 5 (2), first subparagraph, second indent, in any year, the collector or first processor shall deposit a copy of that amended or rescinded contract with his competent authority by that date of the year in question.

2. The competent authority mentioned in paragraph 1 shall verify that the contracts submitted comply with the conditions mentioned in Article 3 (1). If the conditions are not complied with, the competent authority of the claimant shall be notified.

To permit this verification, the collector or first processor shall submit to his competent authority the necessary information concerning the processing chain in question and, in particular, information on the prices and technical processing coefficients which are to serve to determine the quantities of end product obtainable. Those coefficients shall be those referred to in Article 9 (2).

3. With a view to monitoring compliance with Article 3 (1), the competent authority concerned shall, on the basis of the information in paragraph 2, compare the sum of the values of each non-food product with the sum of the values of all other products yielded by the same processing operation but destined for human or animal consumption.

Each value is the result of the relevant quantity multiplied by the average of ex-factory prices verified during the previous marketing year.

In cases where those prices are not available, the competent authority shall determine the appropriate prices, in particular on the basis of the information referred to in paragraph 2.

4. The collector or first processor who has received the raw material from the claimant shall inform his competent authority of the quantity of raw material received, specifying the species as well as the name and address of the contracting party who delivered the raw material, the place of delivery and the reference of the contract concerned by a date to be fixed by the Member States so as to ensure that the compensation can be paid within the period specified in Article 10 of Regulation (EEC) No 1765/92.

The collector shall inform his competent authority of the name and address of the first processor of the raw material which he has received, within 40 working days of its delivery to that first processor. The first processor shall, in turn, inform his competent authority of the name and address of the collector who delivered the raw material, the quantity and type of raw material received and the date of delivery, within 40 working days of receipt by that first processor.

Where the delivery of the raw material to the first processor is not made directly by the collector, the latter shall inform his competent authority of the name and address of the parties who intervened in the delivery circuit, including the name and address of the first processor. That communication shall be made within 40 working days after the first processor received the raw material.

Every party who intervenes shall, in turn, inform his competent authority within 40 working days of the name and address of the buyer of the raw material and the quantity sold to him.

Should they be different, the competent authority of the first processor and the authority of each party who intervenes in the delivery circuit of the raw material referred to in the third subparagraph shall inform the competent authority of the collector of the quantities supplied to the first processor.

Where the Member State of the collector or first processor is different from the Member State in which the raw material has been cultivated, the competent authority concerned shall inform that of the claimant within 40 working days from the reception of the communication referred to in the first and third subparagraphs of the total quantity of raw material delivered.

5. Without prejudice to paragraphs 1 to 4, the competent authority referred to in paragraph 1 shall inform the Commission as soon as possible, and not later than 31 May of the year in which the raw material is to be harvested, of the forecast total quantity of by-products destined for human or animal consumption, resulting from the contracts referred to in Article 4, when such contracts relate to rapeseed, colza seeds, sunflower seeds or soya beans falling under CN codes ex 1205 00 90, 1206 00 90 or 1201 00 90.

The competent authority shall calculate that forecast quantity as follows:

(a) the forecast quantity of all by-products to be produced from rapeseed, colza seeds, sunflower seeds or soya beans falling under CN codes ex 1205 00 90, 1206 00 90 or 1201 00 90 shall be calculated by applying the following coefficients:

- 100 kg of rapeseed or/and colza seed under CN code 1205 00 90 shall be deemed to be equivalent to 56 kg of by-products,
- 100 kg of sunflower seed under CN code 1206 00 90 shall be deemed to be equivalent to 56 kg of by-products,

- 100 kg of soya beans under CN code 1201 00 90 shall be deemed to be equivalent to 78 kg of by-products;

(b) the forecast quantity of by-products to be produced referred to in Article 4 (4) shall be deducted from the forecast quantity of all by-products calculated in accordance with point (a).

6. The Commission shall, from the information provided pursuant to paragraph 5, calculate the forecast total quantity of by-products destined for human and animal consumption, expressed in terms of soya bean meal equivalents.

Article 7

1. The collector or first processor shall lodge the entirety of the security referred to in paragraph 2 with his competent authority by the final date for submission of the area aid application in the year concerned in the Member State concerned.

2. The security shall be calculated, for each raw material, at a rate of ECU 250 per hectare multiplied by the sum of all the areas set aside under this scheme which are subject to a contract signed by the collector or first processor concerned and which are used to produce that raw material.

3. If a contract is amended or rescinded pursuant to the first or second subparagraphs of Article 5 (2), the security shall be adjusted accordingly.

4. The security shall be released *pro rata*, for each raw material, according to the quantities of that raw material processed into the intended primary non-food end product provided that the competent authority of the collector or first processor has evidence that that amount of raw material has been processed in compliance with the conditions set out in Article 4 (2) (f), where necessary taking into account any changes made in accordance with Article 5 (2), third subparagraph.

Without prejudice to the first subparagraph, where the collector lodged the security, that security shall be released after the raw material in question is delivered to the first processor, provided that the collector's competent authority has proof that the first processor has lodged an equivalent security with this competent authority.

Article 8

1. The competent authority of the Member State in which any processing takes place shall take the necessary measures to ensure that the processors in its territory give all assurances as regards the obligations undertaken.

2. The processing of quantities of raw materials primarily into the end products specified in the contract constitutes the primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Processing into one or more of the end products mentioned in Annex III shall take place by 31 July of the second year following the year of harvest of the raw material by the claimant.

3. The following obligations incumbent on the collector or first processor shall constitute subordinate requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85:

- the obligation to take delivery of all the raw material delivered by the claimant pursuant to Article 3 (3),
- the obligation to deposit a copy of the contract pursuant to Article 6 (1),
- the obligation to make communications pursuant to the first, second and third subparagraphs of Article 6 (4), and
- the obligation to lodge the security pursuant to Article 7 (1).

4. Where the collector or first processor sells or gives away to a processor in another Member State the raw materials or intermediate products and/or co-products or by-products governed by a contract pursuant to Article 4, the product shall be accompanied by a control copy T5, to be issued in accordance with Regulation (EEC) No 2454/93. Box 104 of the control copy T5 shall be completed under heading 'Other' by inserting one of the following endorsements:

- Producto destinado a su transformación o entrega de acuerdo con lo establecido en el artículo 4 del Reglamento (CE) n° 1586/97 de la Comisión
- Skal anvendes til forarbejdning eller levering i overensstemmelse med artikel 4 i Kommissionens forordning (EF) nr. 1586/97
- Zur Verarbeitung oder Lieferung gemäß Artikel 4 der Verordnung (EG) Nr. 1586/97 der Kommission zu verwenden
- Πρέπει να χρησιμοποιηθεί για μεταποίηση ή παράδοση σύμφωνα με το άρθρο 4 του κανονισμού (ΕΚ) αριθ. 1586/97 της Επιτροπής
- To be used for processing or delivery in accordance with Article 4 of Commission Regulation (EC) No 1586/97
- À utiliser pour transformation ou livraison conformément aux dispositions de l'article 4 du règlement (CE) n° 1586/97 de la Commission
- Da consegnare o trasformare conformemente all'articolo 4 del regolamento (CE) n. 1586/97 della Commissione

- Te gebruiken voor verwerking of levering overeenkomstig artikel 4 van Verordening (EG) nr. 1586/97 van de Commissie
- A utilizar para transformação ou entrega em conformidade com o artigo 4º do Regulamento (CE) nº 1586/97 da Comissão
- Käytetään jalostamiseen tai toimittamiseen komission asetuksen (EY) N:o 1586/97 mukaisesti
- Används till bearbetning eller leverans i enlighet med kommissionens förordning (EG) nr 1586/97.

The same procedure shall apply to all subsequent sales to processors in other Member States until the manufacture of the end product envisaged in the contract.

In the case of a co-product or by-product, this requirement shall apply only in the event that the product would enjoy export refunds if obtained from raw materials cultivated outside this scheme.

5. Where part or all of the delivery of the raw material to the first processor is not made by a collector established in a Member State other than that of the first processor, a collector shall prepare a control copy T5, specifying under 'Other' in Box 104 of the copy the following:

- (a) the quantity delivered by him direct to the first processor;
- (b) the name and address of the first processor;
- (c) the names and addresses of the other parties who have intervened in the delivery circuit, even in the case where those parties are located in the Member State where the first processing has taken place;
- (d) the quantities delivered by each of the other parties involved.

6. Any party intervening in the delivery circuit mentioned in paragraph 5 (c) who is not established in the Member State of the first processor shall complete a control copy T5 specifying in Box 104 the name and address of the collector, and the information set out in points (a) and (b) of paragraph 5.

7. Where one or more end products, intermediate products, co-products or by-products to which a contract pursuant to Article 4 relates are intended for export to third countries, their transport within the Community shall be covered by a control copy T5 issued by the competent authority of the Member State in which those products were obtained.

The following remark shall appear in Box 104 of the control copy T5:

- Este producto no podrá acogerse a ninguna de las medidas previstas en el apartado 2 del artículo 1 del Reglamento (CEE) n° 729/70 del Consejo (¹)
- De finansieringsforanstaltninger, der er omhandlet i artikel 1, stk. 2, i Rådets forordning (EØF) nr. 729/70 (¹) kan ikke anvendes på dette produkt
- Dieses Erzeugnis kommt für keine Finanzierungen gemäß Artikel 1 Absatz 2 der Verordnung (EWG) Nr. 729/70 des Rates (¹) in Betracht
- Το προϊόν αυτό δεν μπορεί να επωφεληθεί από τα μέτρα που προβλέπονται στο άρθρο 1 παράγραφος 2 του κανονισμού (ΕΟΚ) αριθ. 729/70 του Συμβουλίου (¹)
- This product shall not qualify for any benefit pursuant to Article 1 (2) of Council Regulation (EEC) No 729/70 (¹)
- Ce produit ne peut pas bénéficier des financements prévus à l'article 1^{er} paragraphe 2 du règlement (CEE) n° 729/70 du Conseil (¹)
- Questo prodotto non può beneficiare delle misure di cui all'articolo 1, paragrafo 2 del regolamento (CEE) n. 729/70 del Consiglio (¹)
- Dit product komt niet in aanmerking voor financieringen als bedoeld in artikel 1, lid 2, van Verordening (EEG) nr. 729/70 van de Raad (¹)
- O presente produto não pode beneficiar de medidas ao abrigo do n° 2 do artigo 1° do Regulamento (CEE) n° 729/70 do Conselho (¹)
- Tähän tuotteeeseen ei sovelleta neuvoston asetuksen (ETY) N:o 729/70 (¹) 1 artiklan 2 kohdan mukaisia toimenpiteitä
- De åtgärder som avses i artikel 1.2. i rådets förordning (EEG) nr 729/70 (¹) kan inte användas för denna produkt.

This requirement shall apply only in the event that the end product, referred to in Annex III, intermediate product, co-product or by-product to which a contract pursuant to Article 4 relates would enjoy export refunds if obtained from raw materials cultivated outside this scheme.

Article 9

1. Member States shall specify the records which the collector and the processor shall keep. The records shall specify at least the following:

(a) in the case of a collector:

- the quantities of all raw materials bought and sold for processing within the framework of this scheme,

- the name and address of subsequent buyers/processors;

(b) in the case of a processor, on a regular basis to be determined by the competent authority:

- the quantities of all raw materials purchased for processing,
- the quantities of raw materials processed, together with the quantities and types of end products, co-products and by-products obtained from them,
- wastage during processing,
- the quantities destroyed, and the justification for such action,
- the quantities and types of products sold or given away by the processor and the prices obtained,
- the names and addresses of subsequent buyers/processors.

2. The competent authority of the collector, and those of the Member States in which processing has taken place, shall carry out controls, including physical checks and inspection of commercial documents, in order to ensure:

- in the case of the collector, consistency between the purchases of raw materials and deliveries made, and, in the case of the processor, consistency between the delivery of raw materials, end products, co-products and by-products.

The competent authority shall conduct the inspection in particular by reference to technical processing coefficients for the raw materials concerned.

If such coefficients exist in Community legislation in relation to exports, they shall be applied. In their absence, if other coefficients exist in Community legislation, they shall be applied. In all other cases, inspection shall rely mainly on the coefficients generally accepted by the processing industry;

- the correct end use of the raw material, co-products and by-products;

- compliance with Article 3(1) and Article 6(3).

Those controls shall cover at least 10 % of the transactions and processing operations which take place in the Member State and shall be selected by the competent authority on the basis of risk analysis and an element of representativeness of the contracts submitted.

3. In the case of:

- irregularities affecting 3 % or more of the checks mentioned in paragraph 2,

- deviation from the previous performances of a processor,

- detection of processing operations where:

(¹) OJ No L 94, 28. 4. 1970, p. 13.

- (i) the quantities or values of end products, by-products or co-products are disproportionate in relation to the coefficients referred to in the first subparagraph of paragraph 2,
- (ii) the rate is disproportionate according to the criteria for the economic exploitation of products set out in Article 3(1) and Article 6(3),

the competent authorities shall step up the checks referred to in paragraph 2 and shall inform the Commission without delay.

CHAPTER III

Raw materials which need not be subject to a contract

Article 10

The provisions of this Chapter shall apply to the raw materials listed in Annex II and in this Chapter the phrase 'raw materials' shall mean those raw materials.

Article 11

Raw materials may be grown on set-aside land on condition that their final use is in the manufacture of one of the products specified in Annex III.

Article 12

1. In order to be eligible for compensation, a claimant wishing to use set-aside land for the cultivation of raw materials shall, when submitting his area aid application, provide to the competent authority in his Member State a written undertaking that in the event of the utilization or sale of the raw materials concerned, they will be put to the uses set out in Annex III.

2. Each year claimants shall inform their competent authority in their area aid applications of the parcels subject to set-aside under this Chapter, the crops corresponding to such parcels, the length of the crop cycle and the envisaged harvest frequency.

CHAPTER IV

General provisions

Article 13

Member States may exclude any of the raw materials listed in Annex I and/or Annex II from the scheme established by this Regulation if difficulties are thereby raised as regards agricultural practice, control, public health, the environment, or their criminal law. In that event, the Member State concerned shall inform the Commission of

the raw material(s) which it proposes to exclude, as well as the justification for such exclusion. If the Commission has not reacted within 20 working days following receipt of such notification, the exclusions envisaged may be introduced.

Article 14

1. Raw materials listed in Annex I grown on set-aside land and intermediate products, end products, co-products and by-products derived from them, raw materials listed in Annex II grown on set-aside land and products derived from them, and land used to produce such raw materials shall not be eligible for:

- any benefits financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, pursuant to Article 1(2) of Regulation (EEC) No 729/70, or
- the Community aid provided for in Council Regulations (EEC) No 2078/92 ⁽¹⁾ and (EEC) No 2080/92 ⁽²⁾.

2. Set-aside land used for the cultivation of the raw materials listed in Annex I or Annex II shall be subject to the provisions of Commission Regulation (EC) No 762/94 ⁽³⁾.

However,

- the cultivation of these raw materials shall be regarded as compatible with these provisions, and
- in derogation from the second indent of Article 3(4) of Regulation (EC) No 762/94, the areas concerned need not be fallowed from 15 January,

provided the requirements of this Regulation are satisfied.

Article 15

Member States shall forward to the Commission within three months of the end of each marketing year all the information needed to assess the scheme provided for in this Regulation.

The communications shall include, in particular:

(a) in respect of Chapter II:

- the areas containing each species of raw material, the forecast yields referred to in Article 4(2)(d) and the representative yields referred to in Article 5(3),
- the quantities of each species of raw material which have not been sold by the collectors,
- the quantities of each type of end product, by-product and co-product obtained, the type of raw material used being also indicated,

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 96.

⁽³⁾ OJ No L 90, 7. 4. 1994, p. 8.

- (b) in respect of Chapter III, the amount of land subject to set-aside for each species cultivated on it.

Article 16

1. Member States shall appoint the competent authorities referred to in this Regulation.

2. Member States may adopt any additional measures needed for the application of this Regulation and shall notify the Commission thereof.

Article 17

Regulation (EEC) No 334/93 is hereby repealed but shall continue to apply in respect of contracts concluded before the entry into force of this Regulation.

Article 18

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

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

RAW MATERIALS REFERRED TO IN CHAPTER II

CN Code	Brief description
0602 90 59	Other outdoor plants (e.g. <i>Kenaf Hibiscus Cannabinus</i> L. and <i>Cheopodium</i>) with the exception of <i>Euphorbia lathyris</i> , <i>Sylibum marianum</i> and <i>Isatis tinctoria</i>
0701 90 10	Potatoes
ex 0713 10 90	Peas (<i>Pisum arvense</i> L.), other than those for sowing
0713 50 90	Broad beans other than those for sowing
ex 0714 90	Jerusalem artichokes (provided that they do not undergo the process known as hydrolysis as defined by the Commission Regulation (EEC) No 1443/82 (1), either in their natural state or as an intermediate product such as inuline, or as a by-product such as oligo fructose, or as any co-products)
0810 30 10	Blackcurrants
ex 0810 90 85	Fruits of the species <i>Aronia arbutifolia</i> , sea buckthorn and elder
0904 20	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , dried or crushed or ground
0909	Seeds of anise, badian, fennel, coriander, cumin or caraway
0910 50 00	Curry
0910 99 10	Fenugreek seed
ex 0910 99 91	Spices, other than mixtures
ex 0910 99 99	Spices, other than mixtures
1001 90 99	Spelt, common wheat and meslin other than for sowing
ex 1002 00 00	Rye other than seed
1003 00 90	Barley other than seed
1004 00 00	Oats other than seed
1005 90 00	Maize (corn) other than seed
1007 00 90	Grain sorghum, other than hybrids for sowing
ex 1008 10 00	Buckwheat other than seed
ex 1008 20 00	Millet other than seed
ex 1008 90 10	Triticale other than seed
ex 1008 90 90	Other cereals other than seed
1201 00 90	Soya beans other than for sowing
1202 20 00	Shelled ground nuts
ex 1204 00 90	Linseed other than for sowing but destined for uses other than textiles
ex 1205 00 90	Rape or colza seeds other than for sowing (only those types referred to in Article 4 (3) (a), (b), and (e) of Commission Regulation (EEC) No 658/96 (2))
1206 00 90	Sunflower seeds other than for sowing
1207 30 90	Castor oil seeds other than for sowing
1207 40 90	Sesamum seeds other than for sowing
1207 50 90	Mustard seeds other than for sowing
1207 60 90	Safflower seeds other than for sowing

CN Code	Brief description
ex 1207 99 91	Hemp seeds other than for sowing and mentioned in Annex B of Commission Regulation (EEC) No 1164/89 ⁽¹⁾ , destined for uses other than textiles
1207 99 99	Other oil seeds and oleaginous fruits other than for sowing
ex 1209 29	Bitter lupin
ex 1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, other than lavender, lavandin and sage
1212 91	Sugar beet (provided that sugar, as defined by Commission Regulation (EEC) No 1443/82, is not produced from it, either as an intermediate product, co-product or by-product)
1212 99 10	Chicory roots (provided that they do not undergo the process known as hydrolysis as defined by the Commission Regulation (EEC) No 1443/82, either in their natural state or as an intermediate product such as inuline, or as a by-product such as oligo fructose, or as any co-products)
1214	Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sainfoin, forage kale, lupins, vetches and similar forage products
Chapter 14	Vegetable plaiting, stuffing or padding materials, or those used in brooms or brushes; vegetable products not elsewhere specified or included (e.g. Broomcorn (<i>Sorghum vulgare</i> var. <i>technicum</i>))

⁽¹⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽²⁾ OJ No L 91, 12. 4. 1996, p. 46.

⁽³⁾ OJ No L 121, 25. 4. 1989, p. 4.

ANNEX II

RAW MATERIALS REFERRED TO IN CHAPTER III

CN Code	Brief description of products
ex 0602 90 41	Short rotation forest trees with a harvest cycle of 10 years or less
ex 0602 90 49	Trees, shrubs and bushes, producing plant material covered by CN code 1211 and by Chapter 14 of the combined nomenclature, excluding all those which can be used for human or animal consumption
ex 0602 90 51	Outdoor multiannual plants (e.g. <i>Miscanthus sinensis</i>) other than those which can be used for human or animal consumption, in particular those producing plant material covered by CN code 1211, other than lavender, lavandin and sage, and by Chapter 14 of the combined nomenclature
ex 0602 90 59	<i>Euphorbia lathyris</i> , <i>Sylibum marianum</i> and <i>Isatis tinctoria</i>

ANNEX III

End products which are considered as permissible uses, other than for human or animal consumption, derived from the raw materials in Annex I and Annex II

All products of the combined nomenclature:

(a) with the exception of:

- all of the products falling within Chapters 1 to 24 of the combined nomenclature with the exception of:
 - all products falling within CN Chapter 15 which are intended for uses other than for human or animal consumption,
 - CN code 2207 20 00, for direct use in motor fuel or for processing for use in motor fuel,
 - packaging material falling within CN codes ex 1904 10 and ex 1905 90 90 on condition that proof has been obtained that the products have been used for non-food purposes according to the provisions of Article 7 (2) of this Regulation,
 - mushroom spawn falling within CN code 0602 91 10,
 - lac, natural gums, resins, gum-resins and balsams falling within CN code 1301,
 - saps and extracts of opium falling within CN code 1302 11 00,
 - saps and extracts of pyrethrum or of the roots of plants containing rotenone falling within CN code 1302 14 00,
 - other mucilages and thickeners falling within CN code 1302 39 00,

(b) with the inclusion of:

- all agricultural products set out in Annex I and their derivatives obtained by an intermediate transforming process which are burned in power stations for energy,
- all products mentioned in Annex II and their processed derivatives intended for energy purposes,
- all products referred to in Commission Regulation (EEC) No 1722/93 ⁽¹⁾ on condition that they are not obtained from cereals or potatoes cultivated on set-aside land, and that they do not contain products derived from cereals or potatoes cultivated on set-aside land,
- all products referred to in Council Regulation (EEC) No 1010/86 ⁽²⁾ on condition that they are not obtained from sugarbeet cultivated on set-aside land and that they do not contain products derived from sugarbeet cultivated on set-aside land.

⁽¹⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽²⁾ OJ No L 94, 9. 4. 1986, p. 9.

COMMISSION REGULATION (EC) No 1587/97

of 6 August 1997

fixing the maximum export refund for white sugar for the 50th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 50th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 50th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 39,437 per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 187, 26. 7. 1996, p. 42.

COMMISSION REGULATION (EC) No 1588/97

of 6 August 1997

altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1424/97⁽³⁾, as last amended by Regulation (EC) No 1527/97⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1424/97 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 1424/97 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 196, 24. 7. 1997, p. 21.

⁽⁴⁾ OJ No L 206, 1. 8. 1997, p. 1.

ANNEX

to the Commission Regulation of 6 August 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	33,16 ⁽¹⁾
1701 11 90 9910	32,45 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	33,16 ⁽¹⁾
1701 12 90 9910	32,45 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3605
	— ECU/100 kg —
1701 99 10 9100	36,05
1701 99 10 9910	36,43
1701 99 10 9950	36,43
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3605

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 1589/97

of 6 August 1997

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market;

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 August 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 6 August 1997.

For the Commission
Monika WULF-MATHIES
Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,59	—	0,00
1703 90 00 ⁽¹⁾	12,83	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 1590/97**of 5 August 1997****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1427/97 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 August 1997.

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

Done at Brussels, 5 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ No L 196, 24. 7. 1997, p. 31.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	131,29 776,90 1 126,49	1 830,85 877,01 5 372,39	260,19 96,95 85,88	991,61 253 885,98	40 583,97 293,08	21 954,84 26 305,26
1.30	Onions (other than seed) 0703 10 19	a) b) c)	38,50 227,82 330,34	536,89 257,18 1 575,42	76,30 28,43 25,18	290,79 74 450,53	11 901,00 85,94	6 438,12 7 713,86
1.40	Garlic 0703 20 00	a) b) c)	76,83 454,64 659,21	1 071,40 513,22 3 143,88	152,26 56,73 50,26	580,29 148 572,32	23 749,46 171,51	12 847,82 15 393,66
1.50	Leeks ex 0703 90 00	a) b) c)	48,53 287,17 416,39	676,76 324,18 1 985,85	96,17 35,84 31,74	366,54 93 846,34	15 001,45 108,33	8 115,38 9 723,47
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 448,78 650,72	1 057,60 506,61 3 103,37	150,30 56,00 49,61	572,81 146 657,88	23 443,43 169,30	12 682,27 15 195,30
1.70	Brussels sprouts 0704 20 00	a) b) c)	91,88 543,70 788,34	1 281,28 613,76 3 759,73	182,08 67,85 60,10	693,96 177 675,71	28 401,67 205,10	15 364,54 18 409,08
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	22,43 132,73 192,45	312,79 149,83 917,84	44,45 16,56 14,67	169,41 43 374,69	6 933,49 50,07	3 750,83 4 494,07
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 626,95 909,07	1 477,48 707,74 4 335,47	209,97 78,24 69,30	800,23 204 883,99	32 750,95 236,51	17 717,38 21 228,14
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	49,40 292,32 423,86	688,89 329,99 2 021,45	97,90 36,48 32,31	373,11 95 528,73	15 270,38 110,28	8 260,87 9 897,78
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	87,89 520,08 754,11	1 225,63 587,10 3 596,46	174,18 64,90 57,49	663,82 169 959,92	27 168,29 196,20	14 697,32 17 609,64
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,12 187,22	304,28 145,76 892,87	43,24 16,11 14,27	164,80 42 195,08	6 744,93 48,71	3 648,83 4 371,86
1.130	Carrots ex 0706 10 00	a) b) c)	37,45 221,61 321,33	522,24 250,16 1 532,45	74,22 27,65 24,50	282,85 72 420,06	11 576,43 83,60	6 262,54 7 503,48
1.140	Radishes ex 0706 90 90	a) b) c)	149,40 884,07 1 281,87	2 083,40 997,99 6 113,45	296,07 110,32 97,72	1 128,40 288 906,73	46 182,08 333,50	24 983,27 29 933,78
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	390,42 2 310,29 3 349,86	5 444,45 2 607,99 15 975,99	773,72 288,30 255,38	2 948,79 754 986,39	120 685,46 871,53	65 287,59 78 224,55

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	a)	263,31	3 671,88	521,82	1 988,74	81 393,60	44 031,75
	ex 0708 20 90	b)	1 558,12	1 758,90	194,44	509 183,61	587,78	52 756,79
	ex 0708 20 20	c)	2 259,24	10 774,65	172,23			
	ex 0708 20 95							
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	a)	137,44	1 916,61	272,37	1 038,07	42 485,04	22 983,27
	ex 0708 20 90	b)	813,29	918,10	101,49	265 778,72	306,81	27 537,48
	ex 0708 20 20	c)	1 179,26	5 624,04	89,90			
	ex 0708 20 95							
1.180	Broad beans	a)	92,83	1 294,52	183,97	701,13	28 695,33	15 523,40
	ex 0708 90 00	b)	549,32	620,10	68,55	179 512,80	207,22	18 599,42
		c)	796,50	3 798,60	60,72			
1.190	Globe artichokes	a)	—	—	—	—	—	—
	0709 10 30	b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
1.200	Asparagus:							
1.200.1	— green	a)	468,42	6 532,16	928,30	3 537,91	144 796,59	78 331,07
	ex 0709 20 00	b)	2 771,85	3 129,03	345,89	905 821,23	1 045,65	93 852,63
		c)	4 019,11	19 167,75	306,40			
1.200.2	— other	a)	272,45	3 799,34	539,93	2 057,78	84 218,93	45 560,18
	ex 0709 20 00	b)	1 612,21	1 819,96	201,18	526 858,36	608,19	54 588,08
		c)	2 337,66	11 148,65	178,21			
1.210	Aubergines (eggplants)	a)	260,17	3 628,10	515,59	1 965,03	80 422,97	43 506,67
	0709 30 00	b)	1 539,54	1 737,93	192,12	503 111,54	580,77	52 127,66
		c)	2 232,30	10 646,16	170,18			
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.)	a)	60,11	838,24	119,12	454,00	18 581,02	10 051,83
	ex 0709 40 00	b)	355,70	401,53	44,39	116 239,52	134,18	12 043,64
		c)	515,75	2 459,70	39,32			
1.230	Chantarelles	a)	409,44	5 709,68	811,41	3 092,44	126 564,86	68 468,19
	0709 51 30	b)	2 422,84	2 735,05	302,34	791 766,88	913,99	82 035,40
		c)	3 513,06	16 754,28	267,82			
1.240	Sweet peppers	a)	98,58	1 374,71	195,36	744,56	30 472,75	16 484,94
	0709 60 10	b)	583,34	658,51	72,79	190 632,03	220,06	19 751,49
		c)	845,83	4 033,89	64,48			
1.250	Fennel	a)	73,55	1 025,66	145,76	555,51	22 735,56	12 299,33
	0709 90 50	b)	435,23	491,31	54,31	142 229,52	164,18	14 736,48
		c)	631,07	3 009,67	48,11			
1.270	Sweet potatoes, whole, fresh (intended for human consumption)	a)	61,73	860,83	122,33	466,24	19 081,79	10 322,74
	0714 20 10	b)	365,28	412,35	45,58	119 372,24	137,80	12 368,22
		c)	529,65	2 525,99	40,38			
2.10	Chestnuts (<i>Castanea</i> spp.) fresh	a)	159,46	2 223,69	316,01	1 204,38	49 291,80	26 665,54
	ex 0802 40 00	b)	943,60	1 065,19	117,75	308 360,56	355,96	31 949,41
		c)	1 368,19	6 525,10	104,30			
2.30	Pineapples, fresh	a)	55,90	779,53	110,78	422,20	17 279,64	9 347,82
	ex 0804 30 00	b)	330,79	373,41	41,28	108 098,30	124,79	11 200,12
		c)	479,63	2 287,43	36,56			

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	138,61 820,22 1 189,29	1 932,93 925,91 5 671,92	274,69 102,35 90,67	1 046,90 268 041,25	42 846,71 309,42	23 178,92 27 771,90
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	85,65 506,83 734,89	1 194,40 572,14 3 504,80	169,74 63,25 56,02	646,90 165 628,26	26 475,87 191,20	14 322,74 17 160,83
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	17,65 104,44 151,44	246,13 117,90 722,24	34,98 13,03 11,55	133,31 34 131,22	5 455,92 39,40	2 951,50 3 536,35
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	52,54 310,90 450,80	732,68 350,97 2 149,94	104,12 38,80 34,37	396,83 101 600,80	16 241,01 117,28	8 785,95 10 526,91
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	31,68 187,46 271,82	441,78 211,62 1 296,35	62,78 23,39 20,72	239,27 61 262,15	9 792,83 70,72	5 297,66 6 347,40
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	98,78 584,53 847,55	1 377,50 659,85 4 042,08	195,76 72,94 64,61	746,07 191 018,79	30 534,58 220,51	16 518,39 19 791,56
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	73,74 436,35 632,70	1 028,31 492,58 3 017,44	146,13 54,45 48,23	556,95 142 596,94	22 794,29 164,61	12 331,10 14 774,55
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	66,68 394,58 572,12	929,86 445,42 2 728,55	132,14 49,24 43,62	503,62 128 944,45	20 611,92 148,85	11 150,50 13 360,00
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	57,88 342,50 496,62	807,14 386,64 2 368,45	114,70 42,74 37,86	437,16 111 927,19	17 891,69 129,20	9 678,93 11 596,84
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	155,57 920,58 1 334,81	2 169,44 1 039,20 6 365,92	308,30 114,88 101,76	1 175,00 300 838,15	48 089,33 347,28	26 015,04 31 170,01

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.90	Grapefruit, fresh:							
2.90.1	— white	a)	31,71	442,20	62,84	239,50	9 802,10	5 302,67
	ex 0805 40 90	b)	187,64	211,82	23,42	61 320,16	70,79	6 353,42
	ex 0805 40 20	c)	272,08	1 297,57	20,74			
	ex 0805 40 95							
2.90.2	— pink	a)	27,82	387,95	55,13	210,12	8 599,63	4 652,17
	ex 0805 40 90	b)	164,62	185,84	20,54	53 797,76	62,10	5 574,02
	ex 0805 40 20	c)	238,70	1 138,39	18,20			
	ex 0805 40 95							
2.100	Table grapes	a)	—	—	—	—	—	—
	0806 10 21	b)	—	—	—	—	—	—
	0806 10 29	c)	—	—	—	—	—	—
	0806 10 61							
	0806 10 30							
	0806 10 69							
2.110	Water melons	a)	32,68	455,73	64,76	246,83	10 101,94	5 464,88
	0807 11 00	b)	193,38	218,30	24,13	63 195,93	72,95	6 547,76
		c)	280,40	1 337,27	21,38			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	85,47	1 191,89	169,38	645,54	26 420,23	14 292,64
	ex 0807 19 00	b)	505,76	570,94	63,11	165 280,18	190,79	17 124,77
		c)	733,35	3 497,43	55,91			
2.120.2	— other	a)	89,74	1 251,43	177,84	677,79	27 740,16	15 006,68
	ex 0807 19 00	b)	531,03	599,46	66,27	173 537,42	200,33	17 980,31
		c)	769,98	3 672,16	58,70			
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>)	a)	—	—	—	—	—	—
	ex 0808 20 41	b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.140.2	Other	a)	—	—	—	—	—	—
	ex 0808 20 41	b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.150	Apricots	a)	148,11	2 065,41	293,52	1 118,65	45 783,32	24 767,55
	0809 10 10	b)	876,43	989,37	109,37	286 412,16	330,62	29 675,32
	0809 10 50	c)	1 270,81	6 060,66	96,88			
2.160	Cherries	a)	146,66	2 045,19	290,64	1 107,70	45 335,10	24 525,07
	0809 20 11	b)	867,85	979,68	108,30	283 608,17	327,39	29 384,80
	0809 20 19	c)	1 258,36	6 001,33	95,93			
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	—	—	—	—	—	—
	0809 30 19	b)	—	—	—	—	—	—
	0809 30 59	c)	—	—	—	—	—	—
2.180	Nectarines	a)	—	—	—	—	—	—
	ex 0809 30 11	b)	—	—	—	—	—	—
	ex 0809 30 51	c)	—	—	—	—	—	—

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.190	Plums	a)	—	—	—	—	—	—
	0809 40 10	b)	—	—	—	—	—	—
	0809 40 40	c)	—	—	—	—	—	—
2.200	Strawberries	a)	183,50	2 558,93	363,65	1 385,95	56 722,97	30 685,60
	0810 10 10	b)	1 085,85	1 225,77	135,50	354 848,63	409,63	36 766,06
	0810 10 05	c)	1 574,46	7 508,82	120,03			
	0810 10 80							
2.205	Raspberries	a)	1 173,21	16 360,53	2 325,02	8 861,09	362 659,16	196 188,87
	0810 20 10	b)	6 942,41	7 837,01	866,33	2 268 730,03	2 618,94	235 064,36
		c)	10 066,32	48 007,75	767,41			
2.210	Fruit of the species <i>Vaccinium myrtillus</i>	a)	1 428,23	19 916,81	2 830,41	10 787,22	441 490,17	238 834,33
	0810 40 30	b)	8 451,48	9 540,53	1 054,64	2 761 882,61	3 188,22	286 160,16
		c)	12 254,43	58 443,17	934,22			
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	a)	115,27	1 607,45	228,44	870,62	35 631,92	19 275,91
	0810 50 10	b)	682,10	770,00	85,12	222 906,82	257,32	23 095,50
	0810 50 20	c)	989,03	4 716,85	75,40			
	0810 50 30							
2.230	Pomegranates	a)	124,96	1 742,58	247,64	943,81	38 627,26	20 896,31
	ex 0810 90 85	b)	739,44	834,73	92,27	241 645,15	278,95	25 036,99
		c)	1 072,18	5 113,36	81,74			
2.240	Khakis (including sharon fruit)	a)	346,08	4 826,12	685,85	2 613,89	106 979,21	57 872,88
	ex 0810 90 85	b)	2 047,91	2 311,80	255,55	669 242,58	772,55	69 340,59
		c)	2 969,42	14 161,59	226,37			
2.250	Lychees	a)	302,82	4 222,86	600,12	2 287,16	93 606,81	50 638,77
	ex 0810 90 30	b)	1 791,92	2 022,83	223,61	585 587,26	675,98	60 673,02
		c)	2 598,24	12 391,39	198,08			

**COMMISSION REGULATION (EC) No 1591/97
of 6 August 1997**

**determining the quantity available for the fourth quarter of 1997 of certain
products in the milk and milk products sector covered by the arrangements
provided for in the Interim Agreement concluded by the Community with the
Republic of Slovenia**

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

Having regard to Commission Regulation (EC) No 455/97
of 10 March 1997 laying down detailed rules for the
application to milk and milk products of the arrange-
ments provided for in the Interim Agreement between
the Community and the Republic of Slovenia⁽¹⁾, and in
particular Article 4 (4) thereof,

Whereas, in application of Commission Regulation (EC)
No 1389/97⁽²⁾, determining the extent to which applica-
tions for import licences for the said products lodged in
July 1997 can be accepted, applications for import
licences lodged for the products referred to in Regulation
(EC) No 455/97 concern quantities less than those

available; whereas, therefore, the quantity available for the
period 1 October to 31 December 1997 should be fixed
for each product,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31
December 1997 pursuant to Regulation (EC) No 455/97
shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

ANNEX

Total quantity available for the period 1 October to 31 December 1997

CN codes and products	0402 10 0402 21	0403 10 Yoghurts	0406 90 Other cheeses
in tonnes	1 000	500	280

⁽¹⁾ OJ No L 69, 11. 3. 1997, p. 7.

⁽²⁾ OJ No L 190, 19. 7. 1997, p. 2.

COMMISSION REGULATION (EC) No 1592/97
of 6 August 1997
fixing the import duties in the rice sector

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

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as last amended by Regulation (EC) No 703/97 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 7 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 104, 22. 4. 1997, p. 12.

ANNEX I

to the Commission Regulation of 6 August 1997 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽¹⁾ ⁽²⁾	ACP Bangladesh ⁽¹⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	130,91		202,88
1006 10 23	(7)	130,91		202,88
1006 10 25	(7)	130,91		202,88
1006 10 27	(7)	130,91		202,88
1006 10 92	(7)	130,91		202,88
1006 10 94	(7)	130,91		202,88
1006 10 96	(7)	130,91		202,88
1006 10 98	(7)	130,91		202,88
1006 20 11	(7)	164,91		253,88
1006 20 13	(7)	164,91		253,88
1006 20 15	(7)	164,91		253,88
1006 20 17	254,84	123,08	4,84	191,13
1006 20 92	(7)	164,91		253,88
1006 20 94	(7)	164,91		253,88
1006 20 96	(7)	164,91		253,88
1006 20 98	254,84	123,08	4,84	191,13
1006 30 21	(7)	251,59		399,75
1006 30 23	(7)	251,59		399,75
1006 30 25	(7)	251,59		399,75
1006 30 27	(7)	251,59		399,75
1006 30 42	(7)	251,59		399,75
1006 30 44	(7)	251,59		399,75
1006 30 46	(7)	251,59		399,75
1006 30 48	(7)	251,59		399,75
1006 30 61	(7)	251,59		399,75
1006 30 63	(7)	251,59		399,75
1006 30 65	(7)	251,59		399,75
1006 30 67	(7)	251,59		399,75
1006 30 92	(7)	251,59		399,75
1006 30 94	(7)	251,59		399,75
1006 30 96	(7)	251,59		399,75
1006 30 98	(7)	251,59		399,75
1006 40 00	(7)	78,38		123,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ No L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ No L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	254,84	533,00	338,50	533,00	(¹)

2. Elements of calculation:

(a) Arag cif price (ECU/tonne)	—	393,38	357,82	312,54	359,90	—
(b) fob price (ECU/tonne)	—	—	—	284,13	331,49	—
(c) Sea freight (ECU/tonne)	—	—	—	28,41	28,41	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1593/97

of 6 August 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 7 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission
Monika WULF-MATHIES
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 6 August 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 79	052	72,3
	999	72,3
0805 30 30	388	69,4
	524	72,9
	528	59,4
	999	67,2
	052	180,3
0806 10 40	400	228,6
	512	50,2
	600	153,2
	624	182,3
	999	158,9
	388	77,0
	400	63,3
0808 10 92, 0808 10 94, 0808 10 98	508	83,9
	512	46,6
	524	82,9
	528	53,5
	800	142,7
	804	78,1
	999	78,5
	052	94,7
	388	51,1
	512	59,7
0808 20 57	528	57,0
	999	65,6
0809 20 69	052	258,4
	400	252,2
	616	263,9
	999	258,2
0809 30 41, 0809 30 49	052	74,1
	999	74,1
0809 40 30	064	75,3
	066	74,1
	999	74,7

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

COMMISSION REGULATION (EC) No 1594/97
of 6 August 1997
amending the export taxes on cereal products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 16 thereof,

Whereas Article 16 of Regulation (EC) No 1766/92 provides that where quotations or prices on the world market for certain products reach the level of Community prices and such situation is likely to continue and deteriorate thereby disturbing or threatening to disturb the Community market, appropriate measures may be taken; whereas Article 15 of Commission Regulation (EC) No 1501/95⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, provides that where such conditions are met, an export tax may be fixed and may vary according to the destination;

Whereas prices on the world market for common wheat and durum wheat have reached the level of those in the Community; whereas this situation is likely to lead to an excessive export of common wheat, of durum wheat, flour of common wheat, flour of durum wheat, flour of meslin, groats and meal of common wheat and groats and meal of durum wheat from the Community; whereas it has therefore been decided to apply an export tax to these products at a level adapted to the current situation on the world market and which will avoid disturbance to the Community market;

Whereas export licences applied for before 1 August 1997 for these products are still currently valid; whereas their

validity has already been limited as a precautionary measure to 30 days in order to restrict quantities; whereas it is not necessary to penalize these licences;

Whereas Commission Regulation (EEC) No 120/89⁽⁵⁾, as last amended by Regulation (EC) No 2194/96⁽⁶⁾, and in particular Article 3 thereof, is applicable;

Whereas, in the light of recent market and exchange-rate developments, an immediate increase in the export levy is the most appropriate way of preventing disturbance of the market,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export taxes referred to in Article 15 of Regulation (EC) No 1501/95 are fixed at the level set out in the Annex to this Regulation.
2. These taxes shall not apply, however, to export licences applied for before 1 August 1997.
3. Commission Regulation (EC) No 1575/97⁽⁷⁾ is repealed.

Article 2

This Regulation shall enter into force on 7 August 1997.

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

Done at Brussels, 6 August 1997.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽⁶⁾ OJ No L 293, 16. 11. 1996, p. 3.

⁽⁷⁾ OJ No L 211, 5. 8. 1997, p. 43.

ANNEX

CN code	Level of export tax in ECU/tonne
1001 10 00	15,00
1001 90 99	6,00
1101 00 11	22,50
1101 00 15	8,50
1101 00 90	8,50
1103 11 10	22,50
1103 11 90	8,50

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/97 OF THE EC-CYPRUS ASSOCIATION COUNCIL

of 24 July 1997

derogating from the provisions concerning the definition of the concept of originating products laid down in the Agreement establishing an association between the European Economic Community and the Republic of Cyprus

(97/519/EC)

THE EC-CYPRUS ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus⁽¹⁾, signed at Brussels on 19 December 1972, hereinafter referred to as 'the Agreement',

Having regard to the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Additional Protocol to the Agreement⁽²⁾, and in particular Article 25 thereof,

Whereas it was agreed, in the Joint Declaration by the Contracting Parties concerning the rules of origin, attached to the Final Act of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement⁽³⁾, which was signed at Luxembourg on 19 October 1987 and entered into force on 1 January 1988, that the Community and the EC-Cyprus Association Council would, once the said Protocol had entered into force, take a decision on additional Cypriot requests for derogations from the rules of origin applicable to products under heading Nos 6102 and 6103 of the Common Customs Tariff, introduced as from 1 January 1988 for heading Nos 6204, 6205 and 6206 of the combined nomenclature (CN);

Whereas a derogation from the relevant provisions concerning the definition of the concept of originating

products for the goods in question was granted to Cyprus for a period of two years by Decision No 1/89 of the EC-Cyprus Association Council⁽⁴⁾; whereas the said derogation was prolonged for three further periods of two years, most recently by Decision No 1/95 of the EC-Cyprus Association Council⁽⁵⁾;

Whereas the need for a derogation remains; whereas it is consequently desirable to prolong the said derogation for a further period of two years,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from Article 3 (1) of the Protocol concerning the definition of the concept of originating products and methods of administrative cooperation, products listed in Annex I to this Decision and manufactured in Cyprus shall, within the limits of the quantities indicated and under the conditions set out below, be considered as originating products for the purposes of the Agreement.

Article 2

1. For the purposes of Article 1, products listed in Annex I shall be considered as originating in Cyprus provided that, as a result of working or processing carried out in Cyprus, the products obtained are classified under a tariff heading other than that covering each of the materials worked or processed.

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 2.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

⁽³⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽⁴⁾ OJ No L 230, 8. 8. 1989, p. 3.

⁽⁵⁾ OJ No L 326, 30. 12. 1995, p. 63.

2. Notwithstanding paragraph 1, the manufacture of garments from parts of garments falling within CN code 6217 90 00 shall not be considered as sufficient working or processing, unless the parts have been obtained in the Community from fabric cut to size and are covered by a supplier's declaration made out on an invoice or other accompanying document, of which a specimen is given in Annex III.

Article 3

Materials not originating in Cyprus or in the Community and used for the manufacture of the products referred to in Article 1 shall not be eligible for any form of drawback, exemption from customs duties or charges having equivalent effect to customs duties, with the exception of any amounts exceeding the corresponding duties of the Common Customs Tariff.

Article 4

Movement certificates EUR. 1 issued pursuant to this Decision shall be endorsed:

'DEROGATION — DECISION No 1/97 DEDUCTION COMMUNITY QUOTA'

in the box marked 'remarks', in one of the languages in which the Agreement is drawn up.

Article 5

The competent authorities of Cyprus shall send the Commission monthly statements of Cypriot imports and exports of fabrics listed in Annex II.

Article 6

This Decision shall enter into force on the day on which it is adopted.

This Decision shall apply for a period of two years as from 28 July 1997.

Done at Brussels, 24 July 1997.

For the Association Council

The President

I. KASOULIDES

*ANNEX I***LIST REFERRED TO IN ARTICLE 1****(Products benefiting from the derogation)**

Order No	CN code	Description	Annual quantities (1 000 pieces)
09.1441	6204 43 00	Dresses of synthetic fibres	90
09.1443	6204 53 00 6204 59 10	Skirts and divided skirts of synthetic or artificial fibres	47
09.1447	6205 30 00	Men's or boys' shirts, of man-made fibres	105
09.1445	6206 40 00	Women's or girls' blouses and shirt-blouses, of man-made fibres	390

*ANNEX II***LIST REFERRED TO IN ARTICLE 5****(Products subject to statistical notification)**

CN code	Description
5407 5408	Woven fabrics of synthetic or artificial filament yarn
5512 to 5516	Woven fabrics of synthetic or artificial staple fibres

ANNEX III

DECLARATION FOR PRODUCTS NOT HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods listed on this invoice..... ⁽¹⁾		
were produced in ⁽²⁾		
and incorporate the following components or materials which do not have Community origin for preferential trade:		
..... ⁽³⁾	 ⁽⁴⁾	 ⁽⁵⁾
.....		
.....		
..... ⁽⁶⁾		
I undertake to make available to the customs authorities any additional evidence they may require		
..... ⁽⁷⁾	 ⁽⁸⁾	
	 ⁽⁹⁾	

Note:

The text inside the box, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

-
- (¹) — If only some of the goods listed in the invoice are concerned, they should be clearly indicated or marked and this mark entered on the declaration as follows: 'Listed on this invoice and marked, were produced
- If a document other than the invoice or an Annex to the invoice is used, the name of the document concerned shall be mentioned instead of the word 'invoice'.
- (²) The Community or Member State.
- (³) Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- (⁴) Customs values to be given only if required.
- (⁵) Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as 'third' country.
- (⁶) 'And have undergone the following processing in (the Community) (Member State) ' to be added with a description of the processing carried out if this information is required.
- (⁷) Place and date.
- (⁸) Name and function in company.
- (⁹) Signature.

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

The Agreement between the European Community and the United Mexican States regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, which the Council decided to conclude on 13 March 1997, enters into force on 1 September 1997, the procedures provided for in Article 12 of the Agreement having been completed on 3 July 1997.

⁽¹⁾ OJ No L 77, 19. 3. 1997, p. 22.

COMMISSION

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the attachment requirements for the terminal equipment interface for connection to 2 048 kbit/s digital unstructured ONP leased lines (Amendment 1)

(Text with EEA relevance)

(97/520/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 94/470/EC⁽³⁾;

Whereas Decision 94/470/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment intended to be connected to the public telecommunications network termination point of ONP 2 048 kbit/s digital unstructured leased lines using 120 ohm interfaces and falling within the scope of the harmonized standard identified in Article 2 (1).

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (c), (d) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 194, 29. 7. 1994, p. 87.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

Article 3

Notified Bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within one year after the notification of this Decision at the latest.

Article 4

1. Decision 94/470/EC shall be repealed with effect from the date one year after the notification of this Decision.
2. Terminal equipment, approved under Decision 94/470/EC may continue to be placed on the market and

put into service provided that such approval is granted no later than one year after the notification of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the Harmonized Standard Applicable**

The harmonized standard referred to in Article 2 of the Decision is:

Business TeleCommunications (BTC)
2 048 kbit/s digital unstructured leased line (D2048 U)
Attachment requirements for terminal equipment interface

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 12 — December 1993, as amended by TBR012/A1 — January 1996
(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute
650 Route des Lucioles
F-06921 Sophia Antipolis Cedex

Commission of the European Communities,
DG XIII/A/2 — (BU 31 1/7),
rue de la Loi/Wetstraat 200,
B-1049 Brussels

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the attachment requirements for the terminal equipment interface for connection to 2 048 kbit/s digital structured ONP leased lines

(Text with EEA relevance)

(97/521/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment intended to be connected to the public telecommunications network termination point of ONP 2 048 kbit/s digital structured leased lines using 120 ohm interfaces and falling within the scope of the harmonized standard identified in Article 2 (1). This Decision shall also apply to terminal equipment intended to be connected to the above type of interface when the capacity is subdivided into one or more 64 kbit/s channels to the same or different destinations.

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (c), (d) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽³⁾ and 89/336/EEC⁽⁴⁾.

Article 3

Notified Bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within one year after the notification of this Decision at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 19.

*ANNEX***Reference to the Harmonized Standard Applicable**

The harmonized standard referred to in Article 2 of the Decision is:

Business TeleCommunications (BTC)
2 048 kbit/s digital structured leased line (D2048 S)
Attachment requirements for terminal equipment interface

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 13 — January 1996

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute
650 Route des Lucioles
F-06921 Sophia Antipolis Cedex

Commission of the European Communities,
DG XIII/A/2 — (BU 31 1/7),
rue de la Loi/Wetstraat 200,
B-1049 Brussels

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the attachment requirements for the terminal equipment interface for connection to 64 kbit/s digital unrestricted ONP leased lines (Amendment 1)

(Text with EEA relevance)

(97/522/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 94/821/EC⁽³⁾;

Whereas Decision 94/821/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment intended to be connected to the public telecommunications network termination point of ONP 64 kbit/s digital unrestricted leased lines with octet integrity using 120 ohm interfaces and falling within the scope of the harmonized standard identified in Article 2 (1).

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 339, 29. 12. 1994, p. 81.

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (c), (d) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified Bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within one year after the notification of this Decision at the latest.

Article 4

1. Decision 94/821/EC shall be repealed with effect from the date one year after the notification of this Decision.

2. Terminal equipment, approved under Decision 94/821/EC may continue to be placed on the market and put into service provided that such approval is granted no later than one year after the notification of this Decision.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the Harmonized Standard Applicable**

The harmonized standard referred to in Article 2 of the Decision is:

Business TeleCommunications (BTC)
64 kbit/s digital unrestricted leased line (D64 U)
Attachment requirements for terminal equipment interface

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 14 — April 1994, as amended by TBR014/A1 — January 1996
(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute
650 Route des Lucioles
F-06921 Sophia Antipolis Cedex

Commission of the European Communities,
DG XIII/A/2 — (BU 31 1/7),
rue de la Loi/Wetstraat 200,
B-1049 Brussels

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the general terminal attachment requirements for digital enhanced cordless telecommunications (DECT) (edition 2)

(Text with EEA relevance)

(97/523/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 94/471/EC⁽³⁾;

Whereas Decision 94/471/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to digital enhanced cordless telecommunications (DECT) terminal radio equipment which operates in the 1 880 to 1 900 Mhz frequency band falling within the scope of the harmonized standard identified in Article 2 (1).

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 194, 29. 7. 1994, p. 89.

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (c), (d), (e) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within six months after the notification of this Decision at the latest.

Article 4

1. Decision 94/471/EC shall be repealed with effect from the date six months after the notification of this Decision.

2. Terminal equipment, approved under Decision 94/471/EC may continue to be placed on the market and put into service provided that such approval is granted no later than six months after the notification of this Decision.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of the Decision is:

radio equipment and systems (RES); digital enhanced cordless telecommunications (DECT); general terminal attachment requirements

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 6, Edition 2 — January 1997

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognized according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650, Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

Commission of the European Communities
DG XIII/A/2 — (BU 31 1/7)
Rue de la Loi 200/Wetstraat 200,
B-1049 Bruxelles/Brussels.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the telephony application requirements
for digital enhanced cordless telecommunications (DECT) (edition 2)

(Text with EEA relevance)

(97/524/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 91/263/EEC of 29
April 1991 on the approximation of the laws of the
Member States concerning telecommunications terminal
equipment, including the mutual recognition of their
conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾,
and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure iden-
tifying the type of terminal equipment for which a
common technical regulation is required, as well as the
associated scope statement;

Whereas the corresponding harmonized standards, or
parts thereof, implementing the essential requirements
which are to be transformed into common technical regu-
lations should be adopted;

Whereas in order to ensure continuity of access to
markets for manufacturers, it is necessary to lay down
transitional provisions regarding equipment approved
under Commission Decision 94/472/EC⁽³⁾;

Whereas Decision 94/472/EC should be repealed with
effect from the end of the transitional period;

Whereas the common technical regulation adopted in
this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to digital enhanced
cordless telecommunications (DECT) terminal radio
equipment which operates in the 1 880 to 1 900 Mhz
frequency band intended to be connected to the public
telecommunications network, and falling within the scope
of the harmonized standard identified in Article 2 (1).

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 194, 29. 7. 1994, p. 91.

2. This Decision establishes a common technical regu-
lation covering the telephony application requirements
for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the
harmonized standard prepared by the relevant standard-
ization body implementing to the extent applicable the
essential requirements referred to in Article 4 (g) of Dir-
ective 91/263/EEC. The reference to the standard is set
out in the Annex.

2. Terminal equipment covered by this Decision shall
comply with the common technical regulation referred to
in paragraph 1, shall meet the essential requirements
referred to in Article 4 (a) and (b) of Directive
91/263/EEC, and shall meet the requirements of any
other applicable directives, in particular Council Dir-
ectives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified bodies designated for carrying out the procedures
referred to in Article 9 of Directive 91/263/EEC shall, as
regards terminal equipment covered by Article 1 (1) of
this Decision, use or ensure the use of the harmonized
standard referred to in Article 2 (1) within six months
after the notification of this Decision at the latest.

Article 4

1. Decision 94/472/EC shall be repealed with effect
from the date six months after the notification of this
Decision.

2. Terminal equipment, approved under Decision
94/472/EC may continue to be placed on the market and
put into service provided that such approval is granted no
later than six months after the notification of this De-
cision.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of the Decision is:

Radio equipment and systems (RES); attachment requirements for terminal equipment for digital enhanced cordless telecommunications (DECT) generic access profile (GAP) applications

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 10, Edition 2 — January 1997

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognized according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650, Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

Commission of the European Communities
DG XIII/A/2 — (BU 31 1/7)
Rue de la Loi 200/Wetstraat 200,
B-1049 Bruxelles/Brussel.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the attachment requirements for terminal equipment for digital enhanced cordless telecommunications (DECT) generic access profile (GAP) applications

(Text with EEA relevance)

(97/525/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 95/525/EC⁽³⁾;

Whereas Decision 95/525/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to digital enhanced cordless telecommunications (DECT) terminal radio equipment which operates in the 1 880 to 1 900 Mhz frequency band intended to be connected directly or indirectly, to the public telecommunications network, and falling within the scope of the harmonized standard identified in Article 2 (1).

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 300, 13. 12. 1995, p. 35.

2. This Decision establishes a common technical regulation covering the generic access profile (GAP) applications requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (d), (e) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within six months after the notification of this Decision at the latest.

Article 4

1. Decision 95/525/EC shall be repealed with effect from the date six months after the notification of this Decision.

2. Terminal equipment, approved under Decision 95/525/EC may continue to be placed on the market and put into service provided that such approval is granted no later than six months after the notification of this Decision.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of the Decision is:

Radio equipment and systems (RES); digital enhanced cordless telecommunications (DECT); general terminal attachment requirements; telephony applications

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 22 — January 1997

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognized according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650, Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

Commission of the European Communities
DG XIII/A/2 — (BU 31 1/7)
Rue de la Loi 200/Wetstraat 200,
B-1049 Bruxelles/Brussel.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the general attachment requirements for public pan-European cellular digital land-based mobile communications (Edition 2)

(Text with EEA relevance)

(97/526/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 94/11/EC⁽³⁾;

Whereas Decision 94/11/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment, including an active accessory if it modifies the terminal equipment performance in any manner affecting conformance to essential requirements, intended to be connected to Phase 1 of the public pan-European cellular

digital land-based mobile telecommunications network and falling within the scope of the harmonized standard identified in Article 2 (1) of this Decision.

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment utilising constant envelope modulation and operating in the 900 MHz band with a channel separation of 200 KHZ and carrying 8 full rate traffic channels per carrier according to the TDMA principle.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (d), (e) and (f) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within one year after the notification of this Decision at the latest.

Article 4

1. Decision 94/11/EC shall be repealed with effect from the date one year after the notification of this Decision.

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 8, 12. 1. 1994, p. 20.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

2. Terminal equipment approved under Decision 94/11/EC may continue to be placed on the market and put into service provided that such approval is granted no later than one year after the notification of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of the Decision is:

European digital cellular telecommunications system
Attachment requirements for Global System for Mobile Communications (GSM) mobile stations
Access

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 5/Ed. 2 — October 1995

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognized according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650, Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

European Commission,
DG XIII/A/2 — (BU 31 1/7),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the telephony application requirements
for public pan-European cellular digital land-based mobile communications
(Edition 2)

(Text with EEA relevance)

(97/527/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas in order to ensure continuity of access to markets for manufacturers, it is necessary to lay down transitional provisions regarding equipment approved under Commission Decision 94/12/EC⁽³⁾;

Whereas Decision 94/12/EC should be repealed with effect from the end of the transitional period;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment, including an active accessory if it modifies the terminal equipment performance in any manner affecting conformance to essential requirements, intended to be connected to Phase 1 of the public pan-European cellular digital land-based mobile telecommunications network

and falling within the scope of the harmonized standard identified in Article 2 (1) of this Decision.

2. This Decision establishes a common technical regulation covering the GSM telephony (speech) requirements for terminal equipment utilising constant envelope modulation and operating in the 900 MHZ band with a channel separation of 200 KHZ and carrying 8 full rate traffic channels per carrier according to the TDMA principle.

Article 2

1. The common technical regulation shall include the harmonized standard prepared by the relevant standardization body implementing to the extent applicable the essential requirements referred to in Article 4 (g) of Directive 91/263/EEC. The reference to the standard is set out in the Annex.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC⁽⁴⁾ and 89/336/EEC⁽⁵⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within one year after the notification of this Decision at the latest.

Article 4

1. Decision 94/12/EC shall be repealed with effect from the date one year after the notification of this Decision.

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 8, 12. 1. 1994, p. 23.

⁽⁴⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁵⁾ OJ No L 139, 23. 5. 1989, p. 19.

2. Terminal equipment approved under Decision 94/12/EC may continue to be placed on the market and put into service provided that such approval is granted no later than one year after the notification of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of the Decision is:

European digital cellular telecommunications system
Attachment requirements for Global System for Mobile Communications (GSM) mobile stations
Telephony

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 9/Ed. 2 — October 1995

(excluding the foreword)

Additional information

The European Telecommunications Standards Institute is recognized according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650, Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

European Commission,
DG XIII/A/2 — (BU 31 1/7),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

COMMISSION DECISION

of 9 July 1997

on a common technical regulation for the general attachment requirements for mobile stations intended to be used with Phase II public digital cellular telecommunications networks operating in the DCS 1800 band

(Text with EEA relevance)

(97/528/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾ and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas this Decision should be reviewed in order to ensure coherence between the notified bodies in the assessment of conformity with the harmonized standards applicable;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment, including an active accessory if it modifies the terminal equipment performance in any manner affecting conformance to essential requirements operating in the DCS 1800 band and falling within the scope of the harmonized standard identified in Article 2 (1) of this Decision. The Decision shall also apply to terminal equipment capable of operation in both GSM and DCS 1800 frequency bands.

2. This Decision establishes a common technical regulation covering the general attachment requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the applicable parts of the harmonized standard having been prepared by the relevant standardization body implementing the essential requirements referred to in Article 4 (c), (d), (e) and (f) of Directive 91/263/EEC. The reference to this standard and the applicable parts thereof are set out in the Annexes.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC ⁽³⁾ and 89/336/EEC ⁽⁴⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within six months after the notification of this Decision at the latest.

Article 4

This Decision shall be reviewed at the latest six months after its adoption.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.
⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 77, 26. 3. 1973, p. 29.
⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 19.

*ANNEX I***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of this Decision is:

Digital cellular telecommunications system (Phase 2)

Attachment requirements for mobile stations in the DCS 1800 band and additional GSM 900 band
Access

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 31 — January 1997

(excluding the foreword but only including the requirements referred to in Annex II)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650 Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

European Commission,
DG XIII/A/2 — (BU 31 1/7),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

ANNEX II

Applicable parts of TBR31 for terminals operating in the DCS 1800 band

TBR reference

TBR 31-11.1.1	TBR 31-21.1	TBR 31-26.5.5.3.2
TBR 31-11.1.2	TBR 31-21.2	TBR 31-26.5.6.1.1
TBR 31-11.2	TBR 31-21.3.1	TBR 31-26.5.6.1.2
TBR 31-11.3	TBR 31-21.3.2	TBR 31-26.5.6.2.1
TBR 31-11.4	TBR 31-21.4	TBR 31-26.5.6.2.4
TBR 31-11.5	TBR 31-22	TBR 31-26.5.6.3
TBR 31-12.1.1	TBR 31-25.2.1.1.1	TBR 31-26.5.7.1.1
TBR 31-12.1.2	TBR 31-25.2.1.1.2.1	TBR 31-26.5.7.1.3
TBR 31-12.2.1	TBR 31-25.2.1.1.2.2	TBR 31-26.5.7.1.4
TBR 31-12.2.2	TBR 31-25.2.1.1.2.3	TBR 31-26.5.7.2
TBR 31-13.1	TBR 31-25.2.1.1.3	TBR 31-26.5.7.3
TBR 31-13.2	TBR 31-25.2.1.1.4	TBR 31-26.6.1.1
TBR 31-13.3-1	TBR 31-25.2.1.2.1	TBR 31-26.6.1.2
TBR 31-13.4	TBR 31-25.2.1.2.2	TBR 31-26.6.1.3
TBR 31-14.1.1.2	TBR 31-25.2.1.2.3	TBR 31-26.6.1.4
TBR 31-14.1.2.2	TBR 31-25.2.1.2.4	TBR 31-26.6.12.1
TBR 31-14.2.1	TBR 31-25.2.2.1	TBR 31-26.6.12.2
TBR 31-14.2.2	TBR 31-25.2.2.2	TBR 31-26.6.12.3
TBR 31-14.2.3	TBR 31-25.2.2.3	TBR 31-26.6.12.4
TBR 31-14.2.4	TBR 31-25.2.3	TBR 31-26.6.13.10
TBR 31-14.3	TBR 31-25.2.4.3	TBR 31-26.6.13.3
TBR 31-14.4.1	TBR 31-25.2.5.1	TBR 31-26.6.13.5
TBR 31-14.4.2	TBR 31-25.2.5.2	TBR 31-26.6.13.6
TBR 31-14.4.4	TBR 31-25.2.6.1	TBR 31-26.6.13.8
TBR 31-14.4.5	TBR 31-25.2.6.2	TBR 31-26.6.13.9
TBR 31-14.5.1	TBR 31-25.2.7	TBR 31-26.6.2.1.1
TBR 31-14.5.2	TBR 31-26.2.1.1	TBR 31-26.6.2.1.2
TBR 31-14.6.1	TBR 31-26.2.1.2	TBR 31-26.6.2.1.3
TBR 31-14.6.2	TBR 31-26.2.1.3	TBR 31-26.6.2.2
TBR 31-14.7.1	TBR 31-26.2.2	TBR 31-26.6.2.3.1
TBR 31-14.8.1	TBR 31-26.2.3	TBR 31-26.6.2.3.2
TBR 31-14.8.2	TBR 31-26.2.4 pr1	TBR 31-26.6.2.4
TBR 31-15	TBR 31-26.2.4 pr2	TBR 31-26.6.2.5
TBR 31-16	TBR 31-26.2.4 pr3	TBR 31-26.6.3.1
TBR 31-17.1	TBR 31-26.2.4 pr4	TBR 31-26.6.3.2
TBR 31-17.2	TBR 31-26.2.4 pr5	TBR 31-26.6.3.3
TBR 31-18	TBR 31-26.2.4 pr6	TBR 31-26.6.3.4
TBR 31-19.1	TBR 31-26.2.4 pr7	TBR 31-26.6.3.6
TBR 31-19.2	TBR 31-26.2.4 pr8	TBR 31-26.6.4.1
TBR 31-19.3	TBR 31-26.5.1	TBR 31-26.6.4.2.2
TBR 31-20.1	TBR 31-26.5.2.1.1	TBR 31-26.6.5.1-1
TBR 31-20.10	TBR 31-26.5.2.1.2	TBR 31-26.6.5.1-2
TBR 31-20.11	TBR 31-26.5.2.2	TBR 31-26.6.5.1-3
TBR 31-20.12	TBR 31-26.5.2.3	TBR 31-26.6.5.1-4
TBR 31-20.13	TBR 31-26.5.3.1	TBR 31-26.6.5.1-5
TBR 31-20.15	TBR 31-26.5.3.2	TBR 31-26.6.5.1-6
TBR 31-20.16	TBR 31-26.5.3.3	TBR 31-26.6.5.1-7
TBR 31-20.17	TBR 31-26.5.3.4	TBR 31-26.6.5.1-8
TBR 31-20.19	TBR 31-26.5.4.1	TBR 31-26.6.5.2-1
TBR 31-20.2	TBR 31-26.5.5.1.1.1	TBR 31-26.6.5.2-10
TBR 31-20.3	TBR 31-26.5.5.1.1.2	TBR 31-26.6.5.2-2
TBR 31-20.4	TBR 31-26.5.5.1.2	TBR 31-26.6.5.2-3
TBR 31-20.5	TBR 31-26.5.5.2.1	TBR 31-26.6.5.2-4
TBR 31-20.6	TBR 31-26.5.5.2.3	TBR 31-26.6.5.2-5
TBR 31-20.7	TBR 31-26.5.5.3.1.1	TBR 31-26.6.5.2-6
TBR 31-20.8		TBR 31-26.6.5.2-7
TBR 31-20.9		

TBR 31-26.6.5.2-8	TBR 31-26.8.1.2.5.3	TBR 31-27.17.1.1
TBR 31-26.6.5.2-9	TBR 31-26.8.1.2.6.2	TBR 31-27.17.1.2
TBR 31-26.6.5.3-1	TBR 31-26.8.1.2.6.3	TBR 31-27.17.1.3
TBR 31-26.6.5.3-2	TBR 31-26.8.1.2.6.5	TBR 31-27.17.1.4
TBR 31-26.6.5.4-1	TBR 31-26.8.1.2.6.6	TBR 31-27.17.1.5.1
TBR 31-26.6.5.4-2	TBR 31-26.8.1.2.7.1	TBR 31-27.17.1.5.2
TBR 31-26.6.5.4-3	TBR 31-26.8.1.2.7.3	TBR 31-27.17.1.5.3
TBR 31-26.6.5.4-4	TBR 31-26.8.1.2.8.1	TBR 31-27.17.1.5.4
TBR 31-26.6.5.5.1	TBR 31-26.8.1.2.9.1	TBR 31-27.17.2.1.1
TBR 31-26.6.5.5.2	TBR 31-26.8.1.2.9.2	TBR 31-27.17.2.1.2
TBR 31-26.6.5.6	TBR 31-26.8.1.2.9.4	TBR 31-27.17.2.2
TBR 31-26.6.5.7	TBR 31-26.8.1.3.1.1	TBR 31-27.17.2.3
TBR 31-26.6.5.8	TBR 31-26.8.1.3.3.1	TBR 31-27.17.2.5
TBR 31-26.6.5.9	TBR 31-26.8.1.3.3.3	TBR 31-27.18.1
TBR 31-26.6.6.1	TBR 31-26.8.1.3.3.4	TBR 31-27.18.2
TBR 31-26.6.7.1	TBR 31-26.8.1.3.4.2	TBR 31-27.19
TBR 31-26.6.8.4	TBR 31-26.8.1.3.4.3	TBR 31-27.20
TBR 31-26.6.8.5	TBR 31-26.8.1.3.4.8	TBR 31-27.21.1
TBR 31-26.7.1	TBR 31-26.8.1.3.5.2	TBR 31-27.21.3
TBR 31-26.7.2.1	TBR 31-26.8.1.3.5.3	TBR 31-27.21.4
TBR 31-26.7.2.2	TBR 31-26.8.1.3.5.4	TBR 31-27.3
TBR 31-26.7.3.1	TBR 31-26.8.1.3.5.5	TBR 31-27.4
TBR 31-26.7.3.2	TBR 31-26.8.1.4.2.1	TBR 31-27.5
TBR 31-26.7.4.1	TBR 31-26.8.1.4.3.1	TBR 31-27.6
TBR 31-26.7.4.2.1	TBR 31-26.8.1.4.3.2	TBR 31-27.7
TBR 31-26.7.4.2.2-1	TBR 31-26.8.1.4.5.1	TBR 31-29.3.2.6.7
TBR 31-26.7.4.2.2-2	TBR 31-26.8.2.1	TBR 31-29.3.2.6.9
TBR 31-26.7.4.2.3	TBR 31-26.8.2.2	TBR 31-29.3.3.2
TBR 31-26.7.4.2.4 prl	TBR 31-26.8.2.3	TBR 31-29.3.3.3
TBR 31-26.7.4.3.1	TBR 31-26.8.3	TBR 31-29.3.3.5
TBR 31-26.7.4.3.2	TBR 31-26.9.2	TBR 31-29.4.2.5
TBR 31-26.7.4.3.3	TBR 31-26.9.3	TBR 31-31.10
TBR 31-26.7.4.3.4	TBR 31-26.9.4	TBR 31-31.6.1.1
TBR 31-26.7.4.5.1	TBR 31-26.9.5	TBR 31-31.6.1.2
TBR 31-26.7.4.5.2	TBR 31-26.9.6.1.1	TBR 31-31.6.1.5
TBR 31-26.7.4.6	TBR 31-26.9.6.1.2	TBR 31-31.6.1.6
TBR 31-26.7.5.3	TBR 31-26.9.6.2.1	TBR 31-31.6.1.7
TBR 31-26.7.5.5	TBR 31-26.9.6.2.2	TBR 31-31.6.1.8
TBR 31-26.7.5.7.1	TBR 31-27.10	TBR 31-31.6.2.1
TBR 31-26.8.1.2.2.1	TBR 31-27.11.1.1	TBR 31-31.6.2.2
TBR 31-26.8.1.2.2.2	TBR 31-27.11.1.2	TBR 31-31.6.2.3
TBR 31-26.8.1.2.3.2	TBR 31-27.11.1.3	TBR 31-31.6.2.4
TBR 31-26.8.1.2.3.5	TBR 31-27.11.1.4	TBR 31-31.6.2.5
TBR 31-26.8.1.2.3.6	TBR 31-27.11.1.5	TBR 31-31.8.1.1
TBR 31-26.8.1.2.4.13	TBR 31-27.11.2.1	TBR 31-31.8.3.1
TBR 31-26.8.1.2.4.2	TBR 31-27.11.2.2	TBR 31-32.11
TBR 31-26.8.1.2.4.3	TBR 31-27.11.2.3	TBR 31-32.12
TBR 31-26.8.1.2.4.4	TBR 31-27.11.2.4	TBR 31-33.6
TBR 31-26.8.1.2.4.5	TBR 31-27.11.3	TBR 31-34.2.1
TBR 31-26.8.1.2.4.6	TBR 31-27.12.1	TBR 31-34.2.2
TBR 31-26.8.1.2.4.7	TBR 31-27.12.2	TBR 31-34.2.3
TBR 31-26.8.1.2.4.8	TBR 31-27.14.3	TBR 31-34.2.5.3
TBR 31-26.8.1.2.5.2	TBR 31-27.14.4	TBR 31-34.3

**Applicable parts of TBR31 for DCS 1800 band operation simultaneous with GSM 900 band or
Extended GSM 900 band operation**

TBR reference

TBR 31-20.20.1	TBR 31-26.11.2.2.1	TBR 31-26.11.3.2
TBR 31-20.20.2	TBR 31-26.11.2.2.2	TBR 31-26.11.5.1
TBR 31-21.1	TBR 31-26.11.2.3	
TBR 31-26.11.2.1	TBR 31-26.11.3.1	

Where test cases are not yet validated, manufacturers or their authorised representatives within the Member States shall submit to the chosen notified body a declaration of conformity to the essential requirements reflected in these tests including the measures taken to comply with the corresponding essential requirements.

COMMISSION DECISION

of 9 July 1997

**on a common technical regulation for the telephony application requirements
for mobile stations intended to be used with Phase II public digital cellular
telecommunications networks operating in the DCS 1800 band**

(Text with EEA relevance)

(97/529/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾ and in particular Article 6 (2), second indent, thereof,

Whereas the Commission has adopted the measure identifying the type of terminal equipment for which a common technical regulation is required, as well as the associated scope statement;

Whereas the corresponding harmonized standards, or parts thereof, implementing the essential requirements which are to be transformed into common technical regulations should be adopted;

Whereas this Decision should be reviewed in order to ensure coherence between the notified bodies in the assessment of conformity with the harmonized standards applicable;

Whereas the common technical regulation adopted in this Decision is in accordance with the opinion of ACTE,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to terminal equipment, including an active accessory if it modifies the terminal equipment performance in any manner affecting conformance to essential requirements operating in the DCS 1800 band and falling within the scope of the harmonized standard identified in Article 2 (1) of this Decision. The Decision shall also apply to terminal equipment capable of operation in both GSM and DCS 1800 frequency bands.

2. This Decision establishes a common technical regulation covering the telephony application requirements for terminal equipment referred to in paragraph 1.

Article 2

1. The common technical regulation shall include the applicable parts of the harmonized standard having been prepared by the relevant standardization body implementing the essential requirements referred to in Article 4 (g) of Directive 91/263/EEC. The reference to this standard and the applicable parts thereof are set out in the Annexes.

2. Terminal equipment covered by this Decision shall comply with the common technical regulation referred to in paragraph 1, shall meet the essential requirements referred to in Article 4 (a) and (b) of Directive 91/263/EEC, and shall meet the requirements of any other applicable Directives, in particular Council Directives 73/23/EEC ⁽³⁾ and 89/336/EEC ⁽⁴⁾.

Article 3

Notified bodies designated for carrying out the procedures referred to in Article 9 of Directive 91/263/EEC shall, as regards terminal equipment covered by Article 1 (1) of this Decision, use or ensure the use of the harmonized standard referred to in Article 2 (1) within six months after the notification of this Decision at the latest.

Article 4

This Decision shall be reviewed at the latest six months after its adoption.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 128, 23. 5. 1991, p. 1.

⁽²⁾ OJ No L 220, 31. 8. 1993, p. 1.

⁽³⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 19.

*ANNEX I***Reference to the harmonized standard applicable**

The harmonized standard referred to in Article 2 of this Decision is:

Digital cellular telecommunications system (Phase 2); Telephony applications
Attachment requirements for mobile stations in the DCS 1800 band and additional GSM 900 band;

ETSI

European Telecommunications Standards Institute

ETSI Secretariat

TBR 32 — January 1997

(excluding the foreword but only including the requirements referred to in Annex II)

Additional information

The European Telecommunications Standards Institute is recognised according to Council Directive 83/189/EEC⁽¹⁾.

The harmonized standard referred to above has been produced according to a Mandate issued in accordance with relevant procedures of Council Directive 83/189/EEC.

The full text of the harmonized standard referenced above can be obtained from:

European Telecommunications Standards Institute,
650 Route des Lucioles,
F-06921 Sophia Antipolis Cedex.

European Commission,
DG XIII/A/2 — (BU 31 1/7),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

*ANNEX II***Applicable parts of TBR32**

TBR reference

TBR 32-14.4.3	TBR 32-30.5.1	TBR 32-32.3
TBR 32-30.1	TBR 32-30.6.1	TBR 32-32.4
TBR 32-30.2	TBR 32-30.6.2	TBR 32-32.7
TBR 32-30.3	TBR 32-30.7.1	TBR 32-32.8
TBR 32-30.4	TBR 32-32.2	TBR 32-32.9

Where test cases are not yet validated, manufacturers or their authorised representatives within the Member States shall submit to the chosen notified body a declaration of conformity to the essential requirements reflected in these tests including the measures taken to comply with the corresponding essential requirements.
