

Official Journal

of the European Communities

ISSN 0378-6978

L 224

Volume 40

14 August 1997

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1620/97

of 4 August 1997

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Turkey on the adjustment of the regime for imports into the European Community of tomato concentrate originating in Turkey and amending Regulations (EEC) No 4115/86 and (EC) No 1981/94

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with the first sentence of Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas consultations have taken place between the European Community and Turkey on the preferential regime applicable to imports into the Community of tomato concentrate originating in Turkey; whereas those consultations were held in the context of the general agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995 and whereas they resulted in the conclusion of a new preferential regime for tomato concentrate;

Whereas, pending the entry into force of the general agreement on agricultural products originating in Turkey and in order to avoid serious disturbance of the Community market in tomato concentrate in the 1997 marketing year, an agreement has been reached for the entry into force of the agreement concluded for that product to be brought forward;

Whereas that Agreement should be approved on behalf of the Community;

Whereas Council Regulation (EEC) No 4115/86 of 22 December 1986 on imports into the Community of agricultural products originating in Turkey⁽¹⁾ should be amended as regards tomato concentrate;

Whereas in Regulation (EEC) No 4115/86 the provisions concerning Greece, Spain and Portugal have become obsolete; whereas that Regulation should be adapted as a result;

Whereas Council Regulation (EC) No 1981/94 of 25 July 1994, opening and providing for the administration of

Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas⁽²⁾, should also be modified to implement the new regime for imports into the European Community of tomato concentrate originating in Turkey, as provided for in the abovementioned Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Turkey on the adjustment of the regime for imports into the European Community of tomato concentrate originating in Turkey is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

Regulation (EEC) No 4115/86 is hereby amended as follows:

1. in Article 1 (1) and (2) the words 'other than Greece, Spain and Portugal' shall be deleted;

⁽¹⁾ OJ No L 380, 31. 12. 1986, p. 16.

⁽²⁾ OJ No L 199, 2. 8. 1994, p. 1. Regulation as last amended by Regulation (EC) No 592/97 (OJ No L 89, 4. 4. 1997, p. 1).

2. the following subparagraph shall be added to Article 1 (2):

'However, the regime for imports into the Community of tomato concentrate originating in Turkey shall be as follows:

- (a) 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be exempt from customs duty on importation into the European Community from 1 September to 31 December 1997; to ensure that the annual quantity to be imported exempt from customs duty does not exceed 30 000 tonnes, the volume of 15 000 tonnes will be adjusted by the Commission on the basis of the imports exempt from customs duty in the first part of 1997;
- (b) from 1 January 1998 onwards, 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be exempt from customs duty on importation into the Euro-

pean Community, each year for the period from 1 January to 30 June;

- (c) from 1 July 1998 onwards, 15 000 tonnes of prepared or preserved tomatoes falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be exempt from customs duty on importation into the European Community, each year for the period from 1 July to 31 December;
- (d) the tariff quotas referred to in points (a), (b) and (c) shall refer to a dry matter content of 28-30 % by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex.'

3. The following paragraph is hereby added to Article 1:

'3. The provisions of the Annex relating to prepared or concentrated tomatoes falling within heading 20.02 C of the Common Customs Tariff shall continue to apply only to prepared, unconcentrated tomatoes falling within CN codes 2002 10, 2002 90 11 and 2002 90 19.'

4. The following Annex shall be added:

ANNEX

Tomato concentrate: correction coefficients

Dry matter content by weight		Coefficients
not less than:	but less than:	
12	14	0,44828
14	16	0,51724
16	18	0,58621
18	20	0,65517
20	22	0,72414
22	24	0,7931
24	26	0,86207
26	28	0,93103
28	30	1
30	32	1,06897
32	34	1,13793
34	36	1,20689
36	38	1,27586
38	40	1,34483
40	42	1,41379
42	93	1,44828
93	100	3,32759'

Article 4

Regulation (EC) No 1981/94 is hereby amended as follows:

1. In Annex I, Order Nos 09.0207 and 09.0209 shall be inserted as follows:

'Order number	CN code	Description	Quota volume per year or indicated period (tonnes)	Rate of duty (%)
09.0207	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12 % by weight: — from 1 September to 31 December 1997 ⁽¹⁾ — from 1 January to 30 June, from 1998 onwards	15 000, of a dry matter content of 28-30 % by weight ⁽²⁾	0
09.0209	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, other than whole or in pieces, with a dry matter content of not less than 12 % by weight: — from 1 July to 31 December, from 1998 onwards	15 000, of a dry matter content of 28-30 % by weight ⁽²⁾	0'

2. At the end of Annex I, the following footnotes shall be added:

⁽¹⁾ To ensure that the annual quantity to be imported in 1997 exempt from customs duty does not exceed 30 000 tonnes, the quota volume of 15 000 tonnes shall be adjusted by the Commission on the basis of the imports exempt from customs duty in the first part of 1997.

⁽²⁾ For the administration of these Community tariff quotas, the following coefficients shall be applied to imports of products with a dry matter content other than 28-30 % by weight:

Dry matter content by weight		Coefficients
not less than:	but less than:	
12	14	0,44828
14	16	0,51724
16	18	0,58621
18	20	0,65517
20	22	0,72414
22	24	0,7931
24	26	0,86207
26	28	0,93103
28	30	1
30	32	1,06897
32	34	1,13793
34	36	1,20689
36	38	1,27586
38	40	1,34483
40	42	1,41379
42	93	1,44828
93	100	3,32759'

Article 5

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96 ⁽¹⁾.

Article 6

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

It shall apply from 1 September 1997.

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

Done at Brussels, 4 August 1997.

For the Council

The President

J. POOS

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and Turkey on the adjustment of the regime for imports into the Community of tomato concentrate originating in Turkey

A. Letter from the Community

Sir,

I have the honour to refer to the consultations between the Turkish authorities and the European Commission on the regime for imports into the Community of tomato concentrate originating in Turkey.

Those consultations were held in the context of the agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995. The parties agreed that it is not possible for the new general agreement to enter into force in 1997. In order to avoid serious disturbance of the Community market in tomato concentrate and pending the entry into force of the general agreement, an agreement has been reached for the entry into force of the new regime for the products concerned to be brought forward.

Notwithstanding Decision No 1/80 of the Association Council, it has been agreed that:

- (a) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened for the period 1 September to 31 December 1997.

However, the total annual quantity for 1997 for importation into the Community of tomato concentrate originating in Turkey and qualifying for exemption from customs duty may not exceed 30 000 tonnes. If the quantity imported free of customs duty during the first part of 1997 proves to be greater than 15 000 tonnes, the Community reserves the right to adjust the quota of 15 000 tonnes provided for accordingly;

- (b) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 January to 30 June of each year;
- (c) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 July to 31 December of each year;
- (d) the above quantities shall refer to a dry matter content of 28/30 % by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex.

This Agreement shall replace, as regards tomato concentrate, paragraph 3 of the Exchange of Letters of 20 January 1981 between the European Economic Community and the Republic of Turkey relating to Article 3 (3) of Decision No 1/80 of the Association Council and the Exchange of Letters of 26 November 1981 concerning the implementation of paragraph 3 of the previous Exchange of Letters.

It shall enter into force on the date on which it is signed by both parties. It shall apply from 1 September 1997.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

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

*For the Council
of the European Union*

ANNEX

Tomato concentrate: correction coefficients

Dry matter content by weight		Coefficients
not less than:	but less than:	
12	14	0,44828
14	16	0,51724
16	18	0,58621
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34	36	1,20689
36	38	1,27586
38	40	1,34483
40	42	1,41379
42	93	1,44828
93	100	3,32759

B. Letter from Turkey

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the consultations between the Turkish authorities and the European Commission on the regime for imports into the Community of tomato concentrate originating in Turkey.

Those consultations were held in the context of the agricultural negotiations provided for in the EC-Turkey Association Council Resolution of 6 March 1995. The parties agreed that it is not possible for the new general agreement to enter into force in 1997. In order to avoid serious disturbance of the Community market in tomato concentrate and pending the entry into force of the general agreement, an agreement has been reached for the entry into force of the new regime for the products concerned to be brought forward.

Notwithstanding Decision No 1/80 of the Association Council, it has been agreed that:

- (a) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened for the period 1 September to 31 December 1997.

However, the total annual quantity for 1997 for importation into the Community of tomato concentrate originating in Turkey and qualifying for exemption from customs duty may not exceed 30 000 tonnes. If the quantity imported free of customs duty during the first part of 1997 proves to be greater than 15 000 tonnes, the Community reserves the right to adjust the quota of 15 000 tonnes provided for accordingly;

- (b) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 January to 30 June of each year;
- (c) a tariff quota exempt from customs duty of 15 000 tonnes of tomato concentrate falling within CN codes 2002 90 31, 2002 90 39, 2002 90 91 and 2002 90 99 originating in Turkey shall be opened, from 1998 onwards, for the period 1 July to 31 December of each year;
- (d) the above quantities shall refer to a dry matter content of 28-30 % by weight. Quantities imported with a different content shall be corrected by means of the coefficients listed in the Annex.

This Agreement shall replace, as regards tomato concentrate, paragraph 3 of the Exchange of Letters of 20 January 1981 between the European Economic Community and the Republic of Turkey relating to Article 3 (3) of Decision No 1/80 of the Association Council and the Exchange of Letters of 26 November 1981 concerning the implementation of paragraph 3 of the previous Exchange of Letters.

It shall enter into force on the date on which it is signed by both parties. It shall apply from 1 September 1997.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

ANNEX

Tomato concentrate: correction coefficients

Dry matter content by weight		Coefficients
not less than:	but less than:	
12	14	0,44828
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34	36	1,20689
36	38	1,27586
38	40	1,34483
40	42	1,41379
42	93	1,44828
93	100	3,32759'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

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

For the Government of Turkey

Hecho en Bruselas, el cuatro de agosto de mil novecientos noventa y siete.

Udfærdiget i Bruxelles, den fjerde august nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am vierten August neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις τέσσερις Αυγούστου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the fourth day of August in the year one thousand nine hundred and ninety-seven.

Fait à Bruxelles, le quatre août mil neuf cent quatre-vingt-dix-sept.

Fatto a Bruxelles, addì quattro agosto millenovecentonovantasette.

Gedaan te Brussel, de vierde augustus negentienhonderd zevenennegentig.

Feito em Bruxelas, em quatro de Agosto de mil novecentos e noventa e sete.

Tehty Brysselissä neljäntenä päivänä elokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den fjärde augusti nittonhundranittiosju.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

D.F. White

Por el Gobierno de Turquía
På vegne af den tyrkiske regering
Für die Regierung der Türkei
Για την κυβέρνηση της Τουρκίας
For the Government of Turkey
Pour le gouvernement de la Turquie
Per il governo della Turchia
Voor de Regering van Turkije
Pelo Governo da Turquia
Turkin hallituksen puolesta
På den turkiska regeringens vägnar

if-then

COMMISSION REGULATION (EC) No 1621/97

of 13 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 14 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, 13 August 1997.

For the Commission

Emma BONINO

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⁾	8,55	—	0,00
1703 90 00 ⁽¹⁾	12,68	—	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 1622/97

of 13 August 1997

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

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, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 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 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 13 August 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

to the Commission Regulation of 13 August 1997 fixing 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	32,77 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	33,16 ⁽¹⁾
1701 12 90 9910	32,77 ⁽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	36,86
1701 99 10 9950	36,86
	— 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 1623/97

of 13 August 1997

fixing the maximum export refund for white sugar for the second partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

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 1408/97 of 22 July 1997 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 1408/97 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 second 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 second partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 39,857 per 100 kilograms.

Article 2

This Regulation shall enter into force on 14 August 1997.

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

Done at Brussels, 13 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 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 1624/97

of 13 August 1997

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 1195/97⁽²⁾, and in particular Articles 9 and 12 thereof,

Whereas it can prove difficult to classify within the subheadings of code 4202 suitcases and similar containers that are made out of a combination of materials (e.g. an outer material of woven fabric that is coated with cellular plastic on the outside); whereas in the interests of uniform application of the combined nomenclature the distinction between the subheadings concerned must be decided;

Whereas to this end an Additional Note must be added to Chapter 42 of the combined nomenclature; whereas Annex I to Regulation (EEC) No 2658/87, as last amended, must be correspondingly amended;

Whereas the measures provided for in this regulation are in accordance with the opinion of the Tariff and Stat-

istical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The following Additional Note is added to Chapter 42 of the combined nomenclature in Annex I to Regulation (EEC) No 2658/87, as last amended by Regulation (EC) 1624/97.

- '1. For the purposes of the subheadings of code 4202, the term "outer surface" shall refer to the material of the outer surface of the container being visible to the naked eye, even where this material is the outer layer of a combination of materials which makes up the outer material of the container.'

Article 2

This Regulation shall enter into force on the 20th day after 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, 13 August 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 170, 28. 6. 1997, p. 11.

COMMISSION REGULATION (EC) No 1625/97

of 13 August 1997

determining the extent to which import licence applications submitted in July 1997 under the tariff quotas for beef provided for by Regulation (EC) No 1926/96 for Estonia, Latvia, and Lithuania may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 995/97 of 3 June 1997 laying down, for the period 1 July 1997 to 30 June 1998, detailed rules of application for the tariff quotas for beef provided for in Council Regulation (EC) No 1926/96 for Estonia, Latvia and Lithuania⁽¹⁾, and in particular Article 3 (3) thereof,

Whereas Article 1 (1) and (3) of Regulation (EC) No 995/97 fixes the quantities of fresh, chilled and frozen beef and veal originating in Lithuania, Latvia and Estonia and of processed products originating in Latvia which may be imported on special terms during the period 1 July to 31 December 1997; whereas no applications were submitted for import licences for beef and veal or processed products;

Whereas Article 1 (3) of Regulation (EC) No 995/97 states that if, during the period 1 July 1997 to 30 June 1998, the quantities for which applications for import licences are submitted for the first period are less than the quantities available, the balances are to be added to the quantities available for the following period; whereas, in view of the quantities remaining in respect of the first period, the

quantities available for the three countries concerned for the second period running from 1 January to 30 June 1998 should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. No applications for import licences were submitted for the period from 1 July to 31 December 1997 under the import quotas referred to in Article 1 (1) of Regulation (EC) No 995/97.

2. The quantities available for the period referred to in Article 1 (3) of Regulation (EC) No 995/97 running from 1 January to 30 June 1998 shall be:

- 1 650 tonnes for meat falling within CN codes 0201 and 0202 originating in Lithuania, Latvia and Estonia,
- 220 tonnes for products falling within CN code 1602 50 10 originating in Latvia.

Article 2

This Regulation shall enter into force on 14 August 1997.

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

Done at Brussels, 13 August 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 144, 4. 6. 1997, p. 2.

COMMISSION REGULATION (EC) No 1626/97

of 13 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 14 August 1997.

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

Done at Brussels, 13 August 1997.

For the Commission

Emma BONINO

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 13 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	82,3
	999	82,3
0805 30 30	388	62,8
	524	59,2
	528	54,5
	999	58,8
0806 10 40	052	119,2
	400	225,7
	512	89,4
	600	130,9
	624	179,1
	999	148,9
0808 10 92, 0808 10 94, 0808 10 98	388	74,8
	400	60,8
	508	60,8
	512	39,8
	524	83,2
	528	47,8
	804	83,1
	999	64,3
0808 20 57	388	50,0
	512	95,4
	528	46,6
	999	64,0
0809 30 41, 0809 30 49	052	103,8
	999	103,8
0809 40 30	064	64,2
	066	65,3
	624	162,0
	999	97,2

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 July 1997

amending Decision 89/471/EEC authorizing methods for grading pig carcasses in Germany

(Only the German text is authentic)

(97/546/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Decision 89/471/EEC⁽³⁾, as last amended by Decision 97/369/EC⁽⁴⁾, authorizes various methods for grading pig carcasses in Germany;

Whereas the use of the new formula for calculating the lean meat content of carcasses introduced by the recent amendment of Decision 89/471/EEC as regards the method 'ZP' has revealed certain deficiencies relating to the accuracy of estimates; whereas, as a result, the use of the former formula should be authorized;

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

HAS ADOPTED THIS DECISION:

Article 1

In part II of the Annex to Decision 89/471/EEC the formula under point 2 is hereby replaced by the following:

$$\hat{y} = 49,978 + 26,0429 \frac{S}{F} + 4,5154 \sqrt{F} - 2,5018 \log S - 8,4212 \sqrt{S}.$$

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ No L 233, 10. 8. 1989, p. 30.

⁽⁴⁾ OJ No L 157, 14. 6. 1997, p. 16.

COMMISSION DECISION

of 16 July 1997

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

(97/547/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

Article 1

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

Germany:

- 1 350,000 tonnes originating in Botswana,
- 45,000 tonnes originating in Madagascar.

United Kingdom:

- 1 850,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Swaziland,
- 470,000 tonnes originating in Zimbabwe,
- 401,000 tonnes originating in Namibia.

Article 2

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

- | | |
|---------------|--------------------|
| — Botswana: | 10 406,000 tonnes, |
| — Kenya: | 142,000 tonnes, |
| — Madagascar: | 7 174,000 tonnes, |
| — Swaziland: | 3 178,000 tonnes, |
| — Zimbabwe: | 6 494,659 tonnes, |
| — Namibia: | 9 569,000 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ No L 84, 3. 4. 1996, p. 22.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.