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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2205/97
of 30 October 1997
amending Regulation (EEC) No 2847/93 establishing a control system applicable
to the common fisheries policy

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in accordance with Article 19d of Regulation (EEC) No 2847/93 ⁽⁴⁾, the Council has to decide on, *inter alia*, the provisions on catch reporting;

Whereas Article 7 (4) of Council Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing effort relating to certain Community fishing areas and resources ⁽⁵⁾ provides that Member States shall take the necessary steps to make it compulsory for vessels flying their respective flags to declare on entry into, and exit from, an area, on-board catches as from the date of implementation — not later than 1 January 1998 — of Community infrastructure for the management of data on fishing catches in Community waters;

Whereas it is necessary to adopt implementing provisions for the communication of the report known as the 'effort report';

Whereas, given that the Community system of satellite surveillance of vessels ensures that communications from fishing vessels are received by the flag Member States and, where appropriate, the coastal Member States, provision should be made for that system to be used to communicate catches;

Whereas Regulation (EEC) No 2847/93 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. The following indent shall be added to Article 19b (1):
 '— the catch retained on board by species in kilograms live weight.';
2. The following paragraph shall be added to Article 19b:
 '4. Detailed rules for implementation of this Article shall be adopted, in accordance with the procedure laid down in Article 36.';
3. In Article 19c (1) the following shall be added after the words 'by telex':
 'by VMS.';
4. Article 19d shall be replaced by the following:

'Article 19d

Member States shall take the necessary measures to ensure that the effort reports received pursuant to Articles 19b and 19c are recorded in computer-readable form.';

5. The following Article shall be added:

'Article 19j

In order to ensure respect of the obligations laid down in Articles 19b, 19c and 19e, each Member State shall cross-check and verify the data resulting from these obligations.'

Article 2

This Regulation shall enter into force on 1 January 1998.

It shall apply from 1 July 1998.

⁽¹⁾ OJ C 188, 22. 7. 1995, p. 8.

⁽²⁾ OJ C 269, 16. 10. 1995, p. 221.

⁽³⁾ OJ C 18, 22. 1. 1996, p. 102.

⁽⁴⁾ OJ L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 686/97 (OJ L 102, 19. 4. 1997, p. 1).

⁽⁵⁾ OJ L 71, 31. 3. 1995, p. 5.

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

Done at Luxembourg, 30 October 1997.

For the Council

The President

F. BODEN

COMMISSION REGULATION (EC) No 2206/97
of 6 November 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 Commission 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 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 6 November 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	064	57,0
	204	60,2
	999	58,6
0709 90 79	052	69,2
	999	69,2
0805 20 31	204	75,6
	999	75,6
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	45,1
	999	45,1
	052	90,8
0805 30 40	528	49,4
	999	70,1
0806 10 50	052	107,6
	064	62,8
	400	233,4
	999	134,6
0808 10 92, 0808 10 94, 0808 10 98	052	58,8
	060	41,4
	064	39,4
	400	88,7
	404	86,7
	528	52,4
	999	61,2
0808 20 67	052	86,1
	064	76,6
	400	105,6
	999	89,4

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

COMMISSION REGULATION (EC) No 2207/97
of 6 November 1997
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽³⁾, as last amended by Regulation (EC) No 2089/97⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 4.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1° do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laatuyhmitt

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89.

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
België/Belgique		x				
Danmark		x	x		x	x
Deutschland	x	x			x	x
España	x	x				
France						x
Ireland				x	x	x
Suomi		x	x			
Sweden		x	x			
Great Britain				x	x	x
Northern Ireland				x	x	x

COMMISSION REGULATION (EC) No 2208/97
of 6 November 1997
repealing Regulation (EC) No 1851/97 fixing 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 Commission Regulation (EC) No 1851/97 ⁽³⁾ fixes an export tax on durum wheat, flour of durum wheat and groats and meal of durum wheat;

Whereas the market conditions which led to the introduction of the export tax on these products no longer apply; whereas the taxes on those products should be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1851/97 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 264, 26. 9. 1997, p. 15.

COMMISSION REGULATION (EC) No 2209/97
of 6 November 1997
on the issuing of export licences for wine-sector products

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

Having regard to Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine-sector products⁽¹⁾, as last amended by Regulation (EC) No 1354/97⁽²⁾, and in particular Article 3 (3) thereof,

Whereas Article 55 (7) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽³⁾, as last amended by Regulation (EC) No 2087/97⁽⁴⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations;

Whereas Article 3 of Regulation (EC) No 1685/95 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement;

Whereas, on the basis of information on export licence applications available to the Commission on 5 November 1997, the quantity still available for the period until 15 November, referred to in Article 1a (1) of Regulation (EC) No 1685/95, could be exceeded unless the issue of export

licences with advance fixing of the refund is restricted; whereas, therefore, a single percentage for the acceptance of applications submitted between 29 October and 4 November 1997 should be applied and the submission of applications and the issue of licences suspended until 15 November,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted between 29 October and 4 November 1997 under Regulation (EC) No 1685/95 shall be issued for 51,3 % of the quantities requested.

2. The issue of export licences for wine-sector products for which applications are submitted from 5 November 1997 and the submission of export licence applications from 7 November 1997 shall be suspended until 15 November 1997.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 161, 12. 7. 1995, p. 2.

⁽²⁾ OJ L 186, 16. 7. 1997, p. 9.

⁽³⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 1.

COMMISSION REGULATION (EC) No 2210/97

of 6 November 1997

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

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

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

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

ANNEX

to the Commission Regulation of 6 November 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	13,00
1001 90 91 9000	—	—	1101 00 15 9130	01	12,00
1001 90 99 9000	03	0	1101 00 15 9150	01	11,25
	04	17,00	1101 00 15 9170	01	10,25
	02	—	1101 00 15 9180	01	9,75
1002 00 00 9000	03	17,00	1101 00 15 9190	—	—
	02	0	1101 00 90 9000	—	—
1003 00 10 9000	—	—	1102 10 00 9500	01	36,50
1003 00 90 9000	03	4,00	1102 10 00 9700	—	—
	02	0	1102 10 00 9900	—	—
1004 00 00 9200	—	—	1103 11 10 9200	—	— ⁽²⁾
1004 00 00 9400	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9900	—	—
1005 90 00 9000	—	—	1103 11 90 9200	01	0 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

01 All third countries,

02 Other third countries,

03 Switzerland, Liechtenstein,

04 Seychelles, Comoros, Madagascar, Mauritius, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Djibouti, Ethiopia, Eritrea, Mauritania, Mali, Niger, Senegal, Burkina Faso, Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of Congo, Rwanda, Burundi.

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

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

COMMISSION REGULATION (EC) No 2211/97**of 6 November 1997****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1883/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1883/97 ⁽⁵⁾;

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

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 31 October to 6 November 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1883/97, the maximum refund on exportation of common wheat shall be ECU 16,99 per tonne.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 265, 27. 9. 1997, p. 69.

COMMISSION REGULATION (EC) No 2212/97

of 6 November 1997

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

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1339/97⁽⁵⁾, as amended by Regulation (EC) No 1884/97⁽⁶⁾;

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

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 31 October to 6 November 1997, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 9,89 per tonne.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 265, 27. 9. 1997, p. 73.

COMMISSION REGULATION (EC) No 2213/97**of 6 November 1997****fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EC) No 1337/97**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

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

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

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 31 October to 6 November 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 14,49 per tonne.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 2214/97**of 6 November 1997****concerning tenders notified in response to the invitation to tender for the export
of oats issued in Regulation (EC) No 1773/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund for the export of oats was opened pursuant to Commission Regulation (EC) No 1773/97⁽⁵⁾, as amended by Regulation (EC) No 2133/97⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No

1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 31 October to 6 November 1997 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1773/97.

Article 2

This Regulation shall enter into force on 7 November 1997.

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

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 296, 30. 10. 1997, p. 29.

COMMISSION REGULATION (EC) No 2215/97
of 6 November 1997
fixing the export refunds on malt

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 the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;

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

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

Done at Brussels, 6 November 1997.

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.
⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.
⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.
⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.
⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 6 November 1997 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund
1107 10 19 9000	13,00
1107 10 99 9000	15,00
1107 20 00 9000	17,00

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 October 1997

on financial aid from the Community for the operation of the Community
reference laboratory for classical swine fever, Hannover, Germany

(97/749/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EEC ⁽²⁾, and in particular Article 28 (2) thereof,

Whereas Annex VI to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, designates the Institute of Virology, School of Veterinary Medicine, Hannover, Germany, as the reference laboratory for classical swine fever;

Whereas all functions and duties which the laboratory has to perform are specified in Annex VI to that Directive; whereas Community assistance must be conditional on the accomplishment of these;

Whereas the Community financial aid should be granted to the Community reference laboratory to enable it to carry out the said functions and duties;

Whereas for budgetary reasons the Community assistance should be granted for a period of one year;

Whereas for supervisory purposes Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on financing of the common agricultural policy ⁽⁴⁾, as last

amended by Regulation (EC) No 1287/95 ⁽⁵⁾, should apply;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall grant Germany financial assistance for the functions and duties to be carried out in the Community reference laboratory for classical swine fever at the Institute of Virology, School of Veterinary Medicine, Hannover, Germany.

Article 2

The Institute of Virology, School of Veterinary Medicine, Hannover, Germany, shall perform the functions and duties to which Article 1 relates. The provisions of Annex VI of Council Directive 80/217/EEC shall apply.

Article 3

The Community's financial assistance shall be a maximum of ECU 150 000 for the period from 1 October 1997 to 30 September 1998.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ L 125, 8. 6. 1995, p. 1.

Article 4

The Community's financial assistance shall be paid as follows:

- 70 % by way of an advance at Germany's request,
- the balance following presentation of supporting technical and financial documents. These documents must be presented before 1 December 1998.

Article 5

Articles 8 and 9 of Council Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 6

This Decision is addressed to Germany.

Done at Brussels, 24 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 6 November 1997

terminating the anti-dumping review concerning imports of video tapes in
cassettes originating in the People's Republic of China

(97/750/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EC) No 384/96 of
22 December 1995 on protection against dumped imports
from countries not members of the European Commu-
nity ⁽¹⁾, as amended by Regulation (EC) No 2331/96 ⁽²⁾, and
in particular Article 11 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

- (1) By Regulation (EEC) No 3091/91 ⁽³⁾, the Council imposed a definitive anti-dumping duty on imports of video tapes in cassettes originating in the People's Republic of China (hereinafter referred to as 'China') falling within CN code ex 8523 13 00.

2. Request for a review

- (2) Following the publication in April 1996 of a notice of the impending expiry ⁽⁴⁾ of the measures in force, the Commission received in July 1996 a request for a review lodged by the Conseil Européen de l'Industrie Chimique (CEFIC) on behalf of two Community producers allegedly representing a major proportion of the total production of the product concerned in the Community. The request contained evidence of dumping of the product originating in the People's Republic of China, and of material injury likely to result in the event of expiry of the existing measures.
- (3) On 24 October 1996, considering that there was sufficient evidence to warrant the initiation of a review under Article 11 (2) and (3) of Regulation (EC) No 384/96 (hereinafter referred to as the

'Basic Regulation') the Commission announced by a notice ⁽⁵⁾ published in the *Official Journal of the European Communities* (hereinafter referred to as the 'Notice of Initiation') the initiation of an expiry and interim review of Regulation (EEC) No 3091/91.

3. Investigation

- (4) The Commission officially advised the Community producers, the importers and the Chinese producers/exporters known to be concerned as well as the representatives of China of the opening of the investigation and gave the parties concerned the opportunity to make known their views in writing and to request a hearing within the time-limit set in the Notice of Initiation.
- (5) The Commission commenced the review, which included the distribution of questionnaires to all parties involved seeking the information necessary for the assessment of dumping, injury and likelihood of dumping and of recurrence of injury.
- (6) No replies to the questionnaire were received from any Chinese producer/exporter of the like product.

B. WITHDRAWAL OF THE REQUEST

- (7) Initially, in its request for an expiry review CEFIC referred to two Community producers:
- BASF Magnetics GmbH (Germany),
- TDK Recording Media Europe S.A. (Luxembourg).
- (8) TDK Recording Media Europe S.A. informed the Commission that it would not actively support the request for the review. Consequently, it did not submit a response to the Commission questionnaire. In view of the absence of cooperation from this company, it was excluded from the definition of the 'Community industry' for the purpose of the injury or likelihood of recurrence of injury determination.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 293, 24. 10. 1991, p. 2.

⁽⁴⁾ OJ C 119, 24. 4. 1996, p. 3.

⁽⁵⁾ OJ C 314, 24. 10. 1996, p. 3.

- (9) For the remainder of the proceeding, therefore, BASF Magnetics GmbH, the sole cooperating Community producer which supported the request, was considered to be the 'Community industry'.
- (10) At the beginning of 1997, BASF Magnetics GmbH was taken over by a Korean company and changed its name into Emtec GmbH (hereinafter 'Emtec'). Given the fact that Emtec is not a member of CEFIC, the complainant CEFIC informed the Commission that it could no longer act as the legal representative of the Community industry. It further declared that it withdrew the request for an expiry review. However, Emtec informed in writing the Commission that it wanted to remain an active complainant supporting the review proceeding.
- (11) The reply to the questionnaire received from Emtec and the supplementary information submitted subsequently at the request of the Commission were incomplete and incoherent. The information submitted was consequently found to be insufficient for the purpose of an anti-dumping investigation. Despite the fact that the original deadline for replying to the questionnaire had been extended several times, Emtec failed to provide the necessary information.
- (12) Emtec GmbH was informed of its lack of sufficient cooperation and replied that it had made all possible efforts to submit additional detailed data as requested by the Commission within the deadline set. However, the Commission established that essential information had not been submitted even after several contacts between the Community producer and the Commission.

C. CONCLUSION

- (13) In view of the circumstances set out above, the Commission, in accordance with Article 18 (1) of

the Basic Regulation has established that the Community industry has not provided the information deemed necessary to assess injury and to examine whether the expiry of the measures in force would result in a recurrence of injurious dumping, as alleged in the request.

- (14) It is considered therefore that the anti-dumping review should be terminated and that the anti-dumping measures in force should be allowed to expire forthwith.
- (15) The Commission informed the interested parties, including the Community industry, of its conclusions. After being informed by the Commission of the above facts and conclusions, representatives of the Community industry made further representations, both in writing and orally, concerning the impact of the Chinese imports in question on the Community industry. However, no information or argument was provided which could, after examination, reverse the above conclusions.
- (16) Member States did not raise any objections to the termination of the review proceeding,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of video tapes in cassettes falling within CN code ex 8523 13 00 originating in the People's Republic of China is hereby terminated.

Done at Brussels, 6 November 1997.

For the Commission

Leon BRITTAN

Vice-President