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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2246/97
of 10 November 1997**

amending, for the third time, Regulation (EC) No 391/97 laying down, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 391/97 ⁽²⁾ allocates, for 1997, certain catch quotas to Norway in Community waters;

Whereas, in accordance with the procedure provided for in Articles 2 and 7 of the Fisheries Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, new consultations were held in order to adjust the total allowable catch (TAC) for plaice in ICES division IV once again;

Whereas these consultations led to an agreement to set the TAC for plaice at 91 000 tonnes for 1997 and, *inter alia*, to adjust the corresponding Norwegian catch quota to 3 870 tonnes;

Whereas these catch levels are fully consistent with new scientific advice which became available in May 1997;

Whereas it is now necessary to implement these agreed measures and, inasmuch as the Norwegian catch quota for plaice is concerned, to amend Regulation (EC) No 391/97 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 391/97, the entry dealing with plaice shall be replaced by that given in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 10 November 1997.

For the Council

The President

E. HENNICOT-SCHOEPGES

⁽¹⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 66, 6. 3. 1997, p. 49. Regulation as last amended by Regulation (EC) No 1845/97 (OJ L 264, 26. 9. 1997, p. 5).

⁽³⁾ OJ L 226, 29. 8. 1980, p. 48.

ANNEX

Norwegian catch quotas for 1997

(in metric tonnes, fresh round weight)

'Species	Area within which fishing is authorized	Quantity
Plaice	ICES IV	3 870'

COMMISSION REGULATION (EC) No 2247/97
of 11 November 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 14 November 1997.

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

Done at Brussels, 11 November 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ 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)	131,29 779,33 1 131,09	1 819,99 865,87 5 333,75	258,57 99,88 89,74	984,20 253 645,72	40 771,72 291,47	21 843,37 26 406,23
1.30	Onions (other than seed) 0703 10 19	a) b) c)	38,50 228,54 331,68	533,70 253,91 1 564,09	75,82 29,29 26,32	288,61 74 380,07	11 956,06 85,47	6 405,44 7 743,47
1.40	Garlic 0703 20 00	a) b) c)	109,58 650,46 944,05	1 519,04 722,69 4 451,76	215,81 83,36 74,90	821,46 211 703,08	34 029,74 243,27	18 231,37 22 039,72
1.50	Leeks ex 0703 90 00	a) b) c)	40,69 241,54 350,55	564,06 268,36 1 653,06	80,14 30,95 27,81	305,03 78 611,05	12 636,16 90,33	6 769,80 8 183,94
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 450,18 653,38	1 051,32 500,17 3 081,05	149,36 57,69 51,84	568,53 146 519,09	23 551,88 168,37	12 617,88 15 253,62
1.70	Brussels sprouts 0704 20 00	a) b) c)	91,88 545,40 791,56	1 273,68 605,96 3 732,69	180,95 69,90 62,80	688,77 177 507,57	28 533,06 203,98	15 286,53 18 479,73
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	120,02 712,44 1 034,00	1 663,77 791,55 4 875,90	236,37 91,30 82,04	899,72 231 872,64	37 271,85 266,45	19 968,33 24 139,50
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)	105,95 628,92 912,78	1 468,72 698,75 4 304,29	208,66 80,60 72,42	794,24 204 690,10	32 902,45 235,21	17 627,43 21 309,62
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	49,40 293,24 425,59	684,80 325,80 2 006,91	97,29 37,58 33,77	370,32 95 438,33	15 341,02 109,67	8 218,92 9 935,77
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 906,25 1 315,28	2 116,37 1 006,88 6 202,33	300,68 116,14 104,35	1 144,48 294 950,81	47 411,21 338,93	25 400,47 30 706,36
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,52 187,98	302,48 143,91 886,45	42,97 16,60 14,91	163,57 42 155,15	6 776,14 48,44	3 630,30 4 388,63
1.130	Carrots ex 0706 10 00	a) b) c)	37,45 222,30 322,64	519,15 246,99 1 521,43	73,76 28,49 25,60	280,74 72 351,53	11 629,99 83,14	6 230,74 7 532,28
1.140	Radishes ex 0706 90 90	a) b) c)	91,55 543,44 788,72	1 269,10 603,78 3 719,28	180,30 69,65 62,58	686,30 176 870,02	28 430,58 203,24	15 231,63 18 413,36
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	560,82 3 329,02 4 831,57	7 774,31 3 698,68 22 783,71	1 104,51 426,63 383,34	4 204,13 1 083 476,20	174 160,97 1 245,03	93 306,43 112 797,17

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.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	133,10 790,08 1 146,68	1 845,09 877,81 5 407,28	262,13 101,25 90,98	997,77 257 142,54	41 333,81 295,48	22 144,51 26 770,27
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	130,11 772,33 1 120,92	1 803,64 858,09 5 285,81	256,25 98,98 88,93	975,36 251 366,01	40 405,27 288,85	21 647,05 26 168,89
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 551,04 799,75	1 286,85 612,22 3 771,28	182,82 70,62 63,45	695,89 179 342,92	28 828,08 206,08	15 444,59 18 670,81
1.190	Globe artichokes 0709 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	426,35 2 530,81 3 673,09	5 910,23 2 811,83 17 320,77	839,68 324,34 291,42	3 196,09 823 686,88	132 401,71 946,51	70 933,98 85 751,35
1.200.2	— other ex 0709 20 00	a) b) c)	281,62 1 671,69 2 426,21	3 903,93 1 857,32 11 441,01	554,64 214,24 192,50	2 111,14 544 075,76	87 456,25 625,20	46 854,53 56 641,95
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	58,72 348,56 505,88	814,00 387,27 2 385,54	115,65 44,67 40,14	440,19 113 444,10	18 235,32 130,36	9 769,54 11 810,29
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	60,11 356,81 517,86	833,27 396,43 2 442,01	118,38 45,73 41,09	450,61 116 129,51	18 666,98 133,45	10 000,80 12 089,86
1.230	Chantarelles 0709 51 30	a) b) c)	1 000,18 5 937,05 8 616,74	13 864,90 6 596,31 40 633,01	1 969,80 760,87 683,65	7 497,75 1 932 297,75	310 602,90 2 220,42	166 404,95 201 165,20
1.240	Sweet peppers 0709 60 10	a) b) c)	93,41 554,48 804,74	1 294,89 616,05 3 794,85	183,97 71,06 63,85	700,24 180 463,45	29 008,20 207,37	15 541,09 18 787,46
1.250	Fennel 0709 90 50	a) b) c)	73,55 436,59 633,65	1 019,58 485,07 2 988,02	144,85 55,95 50,27	551,36 142 094,92	22 840,73 163,28	12 236,88 14 793,04
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	79,36 471,08 683,70	1 100,12 523,39 3 224,06	156,30 60,37 54,24	594,91 153 319,55	24 645,01 176,18	13 203,52 15 961,60
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	159,46 946,55 1 373,78	2 210,50 1 051,66 6 478,17	314,05 121,31 109,00	1 195,38 308 068,75	49 519,82 354,00	26 530,16 32 072,03
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	49,76 295,37 428,69	689,79 328,17 2 021,53	98,00 37,85 34,01	373,02 96 133,83	15 452,82 110,47	8 278,82 10 008,18

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)	123,60 733,69 1 064,84	1 713,39 815,16 5 021,34	243,42 94,03 84,48	926,56 238 789,02	38 383,61 274,39	20 563,95 24 859,54
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	128,33 761,76 1 105,59	1 778,96 846,35 5 213,50	252,74 97,62 87,72	962,01 247 927,14	39 852,50 284,90	21 350,90 25 810,88
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	23,94 142,11 206,25	331,87 157,89 972,58	47,15 18,21 16,36	179,46 46 250,88	7 434,50 53,15	3 983,02 4 815,03
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	35,19 208,89 303,17	487,82 232,08 1 429,62	69,30 26,77 24,05	263,80 67 985,32	10 928,15 78,12	5 854,74 7 077,73
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	43,08 255,72 371,14	597,19 284,12 1 750,16	84,84 32,77 29,45	322,94 83 228,41	13 378,36 95,64	7 167,43 8 664,64
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	— — —	— — —	— — —	— —	— —	— —
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	— — —	— — —	— — —	— —	— —	— —
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	— — —	— — —	— — —	— —	— —	— —
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	— — —	— — —	— — —	— —	— —	— —
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	106,89 634,50 920,88	1 481,75 704,95 4 342,48	210,51 81,31 73,06	801,29 206 506,14	33 194,37 237,30	17 783,82 21 498,68

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)	54,41	754,25	107,16	407,88	16 896,86	9 052,46
	ex 0805 40 90	b)	322,98	358,84	41,39	105 117,40	120,79	10 943,43
	ex 0805 40 20	c)	468,75	2 210,44	37,19			
	ex 0805 40 95							
2.90.2	— pink	a)	54,87	760,63	108,06	411,33	17 039,71	9 129,00
	ex 0805 40 90	b)	325,71	361,87	41,74	106 006,10	121,81	11 035,95
	ex 0805 40 20	c)	472,72	2 229,13	37,51			
	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)	31,08	430,84	61,21	232,99	9 651,80	5 170,93
	0807 11 00	b)	184,49	204,98	23,64	60 045,01	69,00	6 251,09
		c)	267,76	1 262,65	21,24			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	57,08	791,27	112,42	427,89	17 726,02	9 496,68
	ex 0807 19 00	b)	338,83	376,45	43,42	110 275,71	126,72	11 480,44
		c)	491,76	2 318,91	39,02			
2.120.2	— other	a)	110,23	1 528,05	217,09	826,33	34 231,60	18 339,52
	ex 0807 19 00	b)	654,32	726,98	83,86	212 958,85	244,71	22 170,45
		c)	949,65	4 478,17	75,35			
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)	343,56	4 762,57	676,62	2 575,46	106 691,53	57 159,79
	0809 10 10	b)	2 039,37	2 265,82	261,36	663 740,74	762,71	69 099,88
	0809 10 50	c)	2 959,83	13 957,37	234,83			
2.160	Cherries	a)	146,66	2 033,06	288,84	1 099,42	45 544,82	24 400,56
	0809 20 11	b)	870,57	967,24	111,57	283 339,79	325,59	29 497,58
	0809 20 19	c)	1 263,50	5 958,17	100,25			
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	255,16	3 537,13	502,52	1 912,78	79 239,17	42 452,25
	0809 30 19	b)	1 514,62	1 682,81	194,11	492 956,36	566,46	51 320,08
	0809 30 59	c)	2 198,25	10 366,05	174,41			
2.180	Nectarines	a)	270,17	3 745,20	532,09	2 025,30	83 900,48	44 949,53
	ex 0809 30 11	b)	1 603,72	1 781,80	205,53	521 954,93	599,78	54 339,02
	ex 0809 30 51	c)	2 327,57	10 975,85	184,67			

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)	104,75	1 452,09	206,30	785,25	32 529,80	17 427,78
	0809 40 10	b)	621,79	690,84	79,69	202 371,76	232,55	21 068,26
	0809 40 40	c)	902,44	4 255,54	71,60			
2.200	Strawberries	a)	183,50	2 543,75	361,39	1 375,59	56 985,37	30 529,81
	0810 10 10	b)	1 089,25	1 210,20	139,59	354 512,83	407,37	36 907,17
	0810 10 05	c)	1 580,89	7 454,82	125,43			
2.205	Raspberries	a)	1 173,21	16 263,51	2 310,58	8 794,85	364 336,85	195 192,81
	0810 20 10	b)	6 964,15	7 737,46	892,50	2 266 583,06	2 604,55	235 966,55
		c)	10 107,43	47 662,48	801,92			
2.210	Fruit of the species <i>Vaccinium myrtillus</i>	a)	1 106,47	15 338,33	2 179,14	8 294,54	343 610,94	184 088,95
	0810 40 30	b)	6 567,98	7 297,30	841,73	2 137 644,72	2 456,39	222 543,20
		c)	9 532,45	44 951,12	756,31			
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>)	a)	117,28	1 625,78	230,98	879,18	36 420,95	19 512,46
	0810 50 10	b)	696,17	773,48	89,22	226 579,10	260,36	23 588,41
	0810 50 20	c)	1 010,39	4 764,58	80,16			
2.230	Pomegranates	a)	83,96	1 163,89	165,36	629,40	26 073,53	13 968,84
	ex 0810 90 85	b)	498,38	553,73	63,87	162 206,52	186,39	16 886,79
		c)	723,33	3 410,93	57,39			
2.240	Khakis (including sharon fruit)	a)	110,16	1 527,08	216,95	825,80	34 209,86	18 327,87
	ex 0810 90 85	b)	653,91	726,52	83,80	212 823,61	244,56	22 156,37
		c)	949,05	4 475,33	75,30			
2.250	Lychees	a)	621,41	8 614,23	1 223,84	4 658,34	192 977,01	103 387,09
	ex 0810 90 30	b)	3 688,68	4 098,27	472,73	1 200 533,05	1 379,54	124 983,57
		c)	5 353,57	25 245,22	424,75			

COMMISSION REGULATION (EC) No 2248/97
of 12 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 13 November 1997.

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

Done at Brussels, 12 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 12 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	204	56,6
	999	56,6
0709 90 79	052	112,8
	999	112,8
0805 20 31	204	87,6
	999	87,6
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	55,7
	464	206,7
	999	131,2
0805 30 40	052	85,0
	528	49,4
	999	67,2
0806 10 50	052	125,0
	400	243,0
	999	184,0
0808 10 92, 0808 10 94, 0808 10 98	052	53,6
	060	43,6
	064	45,9
	400	79,1
	404	79,5
	512	39,3
	528	51,2
	800	114,7
	999	63,4
0808 20 67	052	81,5
	064	78,3
	400	85,5
	999	81,8

⁽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 2249/97
of 12 November 1997
on the issue of import licences for garlic originating in China

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

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

Having regard to Council Regulation (EC) No 903/97 of 21 May 1997 concerning a protective measure applicable to imports of garlic from China⁽²⁾, and in particular Article 1 (3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽³⁾, as amended by Regulation (EC) No 1662/94⁽⁴⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (1) of Regulation (EC) No 903/97, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1997 to 31 May 1998;

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for on 7 November 1997 is in excess of the maximum monthly quantity given in the Annex to

that Regulation for the month of November 1997; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 7 November 1997 and before 5 December 1997 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 7 November 1997 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,06385 % of the quantity applied for, having regard to the information available to the Commission on 10 November 1997.

For the abovementioned products applications for import licences lodged after 7 November 1997 and before 5 December 1997 shall be refused.

Article 2

This Regulation shall enter into force on 13 November 1997.

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

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 130, 22. 5. 1997, p. 6.

⁽³⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁴⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 2250/97
of 12 November 1997
fixing the export refunds on eggs

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the

refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 1997.

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

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

ANNEX

to the Commission Regulation of 12 November 1997 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 9000	02	3,30
0407 00 19 9000	02	1,50
		ECU/100 kg
0407 00 30 9000	03	12,00
	04	6,50
	05	17,00
0408 11 80 9100	01	50,00
0408 19 81 9100	01	23,00
0408 19 89 9100	01	23,00
0408 91 80 9100	01	39,00
0408 99 80 9100	01	10,00

(1) The destinations are as follows:

- 01 All destinations except Switzerland,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR and Russia,
- 04 All destinations except Switzerland and those of 03 and 05,
- 05 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2251/97
of 12 November 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 1403/97 ⁽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 13 November 1997.

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

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

to the Commission Regulation of 12 November 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⁾ ⁽²⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁵⁾
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	323,98	157,65		242,99
1006 20 13	323,98	157,65		242,99
1006 20 15	323,98	157,65		242,99
1006 20 17	257,80	124,56	7,80	193,35
1006 20 92	323,98	157,65		242,99
1006 20 94	323,98	157,65		242,99
1006 20 96	323,98	157,65		242,99
1006 20 98	257,80	124,56	7,80	193,35
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 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 L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ 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 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 L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ 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)	257,80	533,00	323,98	533,00	(¹)

2. Elements of calculation:

(a) Arag cif price (ECU/tonne)	—	342,41	265,95	302,91	341,86	—
(b) fob price (ECU/tonne)	—	—	—	276,95	315,90	—
(c) Sea freight (ECU/tonne)	—	—	—	25,96	25,96	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2252/97
of 12 November 1997
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2777/75 provides that from 1 July 1995 all exports for which refunds are requested, with the exception of exports of day-old chicks, shall be subject to the presentation of an export licence with advance fixing of the refund; whereas the specific implementing rules for these arrangements are laid down in Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 2370/96⁽⁴⁾;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto for exports to be carried out on the basis of the export licences referred to in Article 2 of Regulation (EC) No 1372/95 or on the basis of the 'ex-post' export licences referred to in Article 9 of the same Regulation.

Article 2

This Regulation shall enter into force on 17 November 1997.

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

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ L 323, 13. 12. 1996, p. 12.

⁽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 12 November 1997 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 units			ECU/100 kg
0105 11 11 9000	01	1,40	0207 12 90 9190	02	22,00
0105 11 19 9000	01	1,40		03	13,00
0105 11 91 9000	01	1,40		04	5,50
0105 11 99 9000	01	1,40	0207 14 20 9900	03	7,00
0105 12 00 9000	01	3,30		06	7,00
0105 19 20 9000	01	3,30	0207 14 60 9900	03	7,00
		ECU/100 kg		06	7,00
0207 12 10 9900	02	19,00	0207 14 70 9190	03	7,00
	03	13,00		06	7,00
	04	5,50	0207 14 70 9290	03	7,00
				06	7,00

⁽¹⁾ The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,

03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 02 and 03 above,

06 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 03 above.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2253/97
of 12 November 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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 Management Committee for Oils and Fats 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 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 November 1997.

⁽¹⁾ OJ L 72, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽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.

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

Done at Brussels, 12 November 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 12 November 1997 fixing the export refunds on olive oil
(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	13,90
1509 10 90 9900	0,00
1509 90 00 9100	12,50
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2254/97**of 12 November 1997****fixing the maximum export refunds for olive oil for the 1st partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1581/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1978/97 ⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 1st partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 November 1997.

Article 2

This Regulation shall enter into force on 13 November 1997.

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

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 12 November 1997 fixing the maximum export refunds for olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	18,90
1509 10 90 9900	—
1509 90 00 9100	17,50
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2255/97
of 12 November 1997
amending the import duties in the cereals sector

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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2156/97⁽⁵⁾, as amended by Regulation (EC) No 2188/97⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2156/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 2156/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 13 November 1997.

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

Done at Brussels, 12 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 298, 1. 11. 1997, p. 19.

⁽⁶⁾ OJ L 299, 4. 11. 1997, p. 16.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	29,31	19,31
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	29,31	19,31
	medium quality	49,84	39,84
	low quality	57,77	47,77
1002 00 00	Rye	72,06	62,06
1003 00 10	Barley, seed	72,06	62,06
1003 00 90	Barley, other ⁽¹⁾	72,06	62,06
1005 10 90	Maize seed other than hybrid	78,26	68,26
1005 90 00	Maize other than seed ⁽¹⁾	78,26	68,26
1007 00 90	Grain sorghum other than hybrids for sowing	72,06	62,06

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 October 1997 to 11 November 1997)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	130,22	118,06	115,91	96,38	213,53 (')	102,13 (')
Gulf premium (ECU/tonne)	—	15,30	9,49	8,53	—	—
Great Lakes premium (ECU/tonne)	14,66	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,10 per tonne; Great Lakes — Rotterdam: ECU 22,10 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 November 1997

suspending the buying-in of butter in certain Member States

(Only the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Finnish and Swedish texts are authentic)

(97/760/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Decision 97/596/EC ⁽⁶⁾ suspends the buying-in of butter in certain Member States; whereas

information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Finland, Sweden, Great Britain and Northern Ireland; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Finland, Sweden, Great Britain and Northern Ireland.

Article 2

Decision 97/596/EC is hereby repealed.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ L 144, 4. 6. 1987, p. 12.

⁽⁵⁾ OJ L 174, 26. 7. 1995, p. 27.

⁽⁶⁾ OJ L 239, 30. 8. 1997, p. 58.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 5 November 1997

approving a support mechanism for the creation of transnational joint ventures
for SMEs in the Community

(Text with EEA relevance)

(97/761/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/15/EC of 9 December 1996 on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997 to 2000) ⁽¹⁾, and in particular Article 3 thereof,

- (1) Whereas the Commission, in its communication of 10 July 1996 on the integrated programme in favour of SMEs ⁽²⁾, stressed the absence of a financial instrument to help SMEs which wish to make transnational investments;
- (2) Whereas, in its opinion of 31 October 1996 ⁽³⁾, the Economic and Social Committee considered that too few SMEs invest at transnational level and access new markets in other Member States and that this is due to the lack of a suitable financial instrument;
- (3) Whereas, on 9 December 1996 in its resolution on the integrated programme ⁽⁴⁾, the Council asked the Commission to encourage SMEs to set up or develop an activity in another Member State by removing obstacles to cross-border investment and the creation of joint ventures in the European Union;
- (4) Whereas the Council, in adopting Decision 97/15/EC, considered that SMEs whose activities span borders should be assisted in overcoming any structural weaknesses;
- (5) Whereas, in its conclusions, the Presidency of the Amsterdam European Council of 16 and 17 June 1997 stressed the essential role played by SMEs in the internal market in promoting growth and employment in the Community and invited the Commission to present initiatives concerning the possibility of job creation;
- (6) Whereas the European Parliament, in its resolution of 24 May 1996 on the European Observatory for

SMEs ⁽⁵⁾ calls on the Commission to implement measures best suited to strengthening transnational cooperation between SMEs;

- (7) Whereas the countries of the European Economic Area have expressed their interest in the initiative;
- (8) Whereas SMEs have not benefited sufficiently from the opportunities offered by the internal market and, faced with the globalization of trade, SMEs' traditional markets are shrinking;
- (9) Whereas the development of joint ventures between Community SMEs makes it possible to make better use of the opportunities of the internal market, to increase investment and trade and to have a positive impact on employment and economic growth;
- (10) Whereas SMEs frequently encounter difficulties in obtaining bank financing for the development of transnational joint ventures because of the higher risk for financial institutions;
- (11) Whereas transnational joint ventures promote technology transfer and improve the competitiveness of the partners;
- (12) Whereas the measures provided for in this Decision are in accordance with the opinion delivered by the Committee provided for in Article 4 of Decision 97/15/EC,

HAS DECIDED AS FOLLOWS:

*Article 1***Description of the initiative**

The initiative covered by this Decision, relating to the 'Joint European Venture' (JEV), shall consist of support for SMEs setting up transnational joint ventures within the Community.

⁽¹⁾ OJ L 6, 10. 1. 1997, p. 25.⁽²⁾ COM(96) 329 final.⁽³⁾ OJ C 56, 24. 2. 1997, p. 7.⁽⁴⁾ OJ C 18, 17. 1. 1997, p. 1.⁽⁵⁾ OJ C 166, 10. 6. 1996, p. 238.

*Article 2***Maximum amount per project and eligible expenses**

The Community contribution is intended to cover some of the expenses incurred in setting up a joint venture.

The maximum contribution per project shall be ECU 100 000 covering:

- (a) up to 50 % of the eligible expenses, with a maximum of ECU 50 000;
- (b) up to 10 % of the total amount of the investment made.

Eligible expenses for the purposes of point (a) are those related to the conception and setting-up of a transnational joint venture created by European SMEs, as defined in Annexes II and I respectively. They include the expenses specified in Annex III and any other expenses which are essential for the setting-up of the joint venture.

*Article 3***Procedures**

1. An SME which wishes to make an application under this scheme shall submit it to one of the financial intermediaries in the JEV network, referred to in Article 4. That intermediary shall be entrusted with evaluating the application and, in the event of a favourable opinion, passing it on to the Commission.

2. The Community contribution shall be paid to the SME, through the financial intermediary in accordance with the conditions set out in paragraphs 3 and 4.

3. In the case of the 50 % of the eligible expenses (with a maximum of ECU 50 000), a reimbursable advance of 50 % (maximum ECU 25 000) shall be paid as soon as the application has been accepted by the Commission.

A second payment of 50 % (maximum ECU 25 000) shall be made on presentation of supporting documents for all the expenses incurred and on the basis of a detailed final evaluation report which permits an assessment of the feasibility of the joint venture as well as the investment envisaged. After acceptance of the documents by the

Commission, the reimbursable advance will be converted into a grant.

4. With regard to the investment made, a payment limited to 10 % of the amount invested shall be made after completion of the investment and on proof that the new activity has commenced.

5. Any SME benefiting from the third payment (10 % of the investment) must undertake to submit to the Commission, for a period of five years, information on the activities of the joint venture set up and, in particular, on the number of jobs created.

The Commission shall prepare annual reports based on inquiries and, where appropriate, on-site visits.

*Article 4***Selection procedure**

Applications shall be sent to the Commission through a network of financial intermediaries comprising institutions specializing in investment financing, to be set up after a call for expressions of interest published in the *Official Journal of the European Communities*.

The Commission shall check the eligibility of the applications in the light of the programme objectives, in particular the employment effect.

To allow the initiative referred to in Article 1 to become operational as soon as possible, recourse shall be had initially to the network of financial intermediaries of the JOP programme⁽¹⁾ and the JOP Technical Assistance Unit, which is specialized in monitoring projects. A maximum of 5 % of the budget shall be reserved to cover the external management costs of the initiative.

Done at Brussels, 5 November 1997.

For the Commission

Christos PAPOUTSIS

Member of the Commission

⁽¹⁾ OJ C 46, 22. 2. 1991, p. 11.

*ANNEX I***DEFINITION OF SMEs**

The definition of an SME for the purposes of this initiative is that set out in the Annex to Commission Recommendation 96/280/EC⁽¹⁾, that is enterprises which:

- have fewer than 250 employees, and
- have either an annual turnover not exceeding ECU 40 million or an annual balance sheet total not exceeding ECU 27 million, and
- conform to the criterion of independence.

The eligibility criterion applies to each of the partners forming the joint venture. It is enough for one of the SMEs involved not to meet this criterion for the project to be rendered ineligible.

*ANNEX II***DEFINITION OF A JOINT VENTURE**

The concept of a 'joint venture' must be interpreted broadly, that is any form of consortium, partnership or joint venture in the strict sense, of an industrial, service, commercial or craft nature.

However, three conditions must be met:

- the objective of the project is to create new economic activities, involving investment and employment creation within the Community. Transfers of existing economic activities are not eligible. Similarly, purchases of existing enterprises are not eligible,
- the partners must play an active part in the joint venture and assume an adequate measure of responsibility. Any joint venture in which one of the partners owns more than 75 % will be ineligible. Any change in the holdings in the joint venture within three years following the signing of the contract with the Commission must be submitted to the Commission for a review of its financial participation,
- the joint venture must be newly created by at least two SMEs from two different Member States.

⁽¹⁾ OJ L 107, 30. 4. 1996, p. 4.

*ANNEX III***ELIGIBLE EXPENSES**

1. Eligible expenses are those relating to the conception and setting-up of a joint venture:

- expenses incurred as part of the study (market surveys, preparation of the legal framework, environmental impact assessment, technical standards, business plan, etc.),
- expenses for external experts (lawyers, advisors, accountants): fees based on actual costs (limited to ECU 650 per day), transport costs, accommodation and subsistence expenses (in accordance with the provisions laid down within the framework of the Commission's contracts for the provision of services),
- expenses for internal experts (relating to travel abroad): daily allowance (ECU 200 per day), transport costs and accommodation and subsistence expenses (in accordance with the provisions laid down within the framework of the Commission's contracts for the provision of services).

Financing costs and expenses relating to partner search are excluded.

2. For the grant, covering up to 10 % of the investment made, an investment is considered to be any purchase or production of tangible or intangible assets which are accounted for as fixed assets in the balance sheet of the joint venture and valued in accordance with generally accepted accounting standards.
