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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2268/97
of 14 November 1997
adjusting the maximum annual fishing effort for certain fisheries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2027/95 of 15 June 1995 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources ⁽¹⁾, and in particular the second indent of Article 4 thereof,

Whereas the second indent of Article 4 of Regulation (EC) No 2027/95 provides that the Commission, at the request of a Member State, shall take appropriate measures so that the Member State in question can fish its quotas in accordance with the third subparagraph of Article 6 (2) of Council Regulation (EC) No 685/95 of 27 March 1995 on the management of fishing effort relating to certain Community fishing areas and resources ⁽²⁾;

Whereas the Netherlands has asked the Commission to adjust the maximum annual fishing effort granted to its vessels in respect of certain quotas which are allocated to it pursuant to Council Regulation (EC) No 390/97 of 20 December 1996 fixing, for certain fish stocks and groups

of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 1974/97 ⁽⁴⁾;

Whereas this Regulation shall immediately enter into force in order to allow the Netherlands to fish its quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum annual fishing effort for the Kingdom of the Netherlands in respect of demersal species using towed gear, as referred to in Annex I to Regulation (EC) No 2027/95, is amended as laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 14 November 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 199, 24. 8. 1995, p. 1.

⁽²⁾ OJ L 71, 31. 3. 1995, p. 5.

⁽³⁾ OJ L 66, 6. 3. 1997, p. 1.

⁽⁴⁾ OJ L 278, 11. 10. 1997, p. 1.

ANNEX

Fishery			Fishing effort (*)
Fishing gear	Target species	ICES or Cefac area	NL
'Towed gear	Demersal species	V b (1), VI, VII, VIII, IX, X and Cefac 34.1.1, 34.1.2, 34.2.0	4 847
		Of which: V b (1), VI	1 000
		Of which: (2)	0
		VII	3 076
		Of which: (2)	0
		VII a	1 089
		VII f (2)	0
		VIII a, VIII b, VIII d	771
		VIII c, VIII e, IX, X and Cefac 34.1.1, 34.1.2 and 34.2.0	0
		Of which: VIII c, VIII e, IX (3)	0
		IX (4)	0
		X (4)	0
		Cefac 34.1.1 (5)	0
		Cefac 34.1.2 (5)	0
		Cefac 34.2.0 (5)	0
		Cefac 34.1.1 (6)	0
		Cefac 34.1.2 (6)	0
		Cefac 34.2.0 (6)	0

(*) Expressed in thousands of kW × fishing days.

(2) Area defined in Article 3 (5) of Regulation (EC) No 685/95. The fishing effort for this area is for both towed and fixed gear.

(1) Except for waters under the sovereignty/jurisdiction of the Faroes and Iceland.

(2) North of 50°30' N.

(3) Solely in waters under the sovereignty/jurisdiction of Spain.

(4) Solely in waters under the sovereignty/jurisdiction of Portugal.

COMMISSION REGULATION (EC) No 2269/97

of 14 November 1997

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

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 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for

each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed 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, 14 November 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

ANNEX

to the Commission Regulation of 14 November 1997 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)			
CN code	Description	Destination (1)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	12,00
		03	17,00
		04	6,50
	b) On exportation of other goods	01	6,50
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	50,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	23,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	23,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	39,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	10,00

(1) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 2270/97

of 14 November 1997

fixing the maximum buying-in price and the quantities of beef to be bought in under the 192nd partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

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, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 1956/97⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 2207/97⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 192nd partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, it has been decided not to proceed

with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

Under the 192nd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 260,5 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 1 174 tonnes,
 - the quantities offered at a price less than or equal to ECU 260,5 shall be multiplied by a coefficient of 20 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

Article 2

This Regulation shall enter into force on 17 November 1997.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 276, 9. 10. 1997, p. 34.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 304, 7. 11. 1997, p. 5.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2271/97
of 14 November 1997
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 492/96 (A1); 493/96 (A2); 504/96 (A3)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31 70) 330 57 57; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: A1 + A2: Madagascar; A3: Mali
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ C 114, 29. 4. 1991, p. 1 (I.B.(1))
8. **Total quantity (tonnes)**: 150
9. **Number of lots**: one (in three parts) (A1: 75 tonnes; A2: 45 tonnes; A3: 30 tonnes)
10. **Packaging and marking** ⁽⁵⁾ ⁽⁶⁾: see OJ C 267, 13. 9. 1996, p. 1 (6.3.A and B (2))
see OJ C 114, 29. 4. 1991, p. 1 (I.B.(3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment ⁽⁶⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 22. 12. 1997 — 11. 1. 1998
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 1. 12. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 15. 12. 1997 (12 noon (Brussels time))
 - (b) period for making the goods available at the port of shipment: 5 — 25. 1. 1998
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard
Bâtiment Loi 130, bureau 7/46
Rue de la Loi/Wetstraat 200, B-1049 Brussels
Telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 10. 11. 1997, fixed by Commission Regulation (EC) No 2142/97 (OJ L 297, 31. 10. 1997, p. 81)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate issued by an official entity stating that the product was processed under excellent sanitary conditions which are supervised by qualified technical personnel. The certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying-tower and the expiry date for consumption,
 - veterinary certificate issued by an official entity stating that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (⁶) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (⁷) Notwithstanding OJ C 114, point I. A (3) (c) is replaced by the following: 'the words "European Community".'
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each operation number as specified in the invitation to tender.

The supplier has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which is to be provided to the beneficiary's forwarder.

COMMISSION REGULATION (EC) No 2272/97
of 14 November 1997
on the supply of white sugar as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated sugar to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A and B

1. **Operation Nos** (1): 496/96 (A1); 497/96 (A2); 505/96 (A3); 471/96 (B)
2. **Programme**: 1996
3. **Recipient** (1): Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: A1 + A2: Madagascar; A3: Mali; B: Ecuador
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (2) (3) (7): see OJ C 114, 29. 4. 1991, p. 1 (V.A (1))
8. **Total quantity (tonnes)**: 432
9. **Number of lots**: two (A: 126 tonnes (A1: 72 tonnes; A2: 36 tonnes; A3: 18 tonnes); B: 306 tonnes)
10. **Packaging and marking** (4) (5) (10): see OJ C 267, 13. 9. 1996, p. 1 (11.2.A 1.b), 2.b) and B.4) see OJ C 114, 29. 4. 1991, p. 1 (V.A. (3))
Language to be used for the marking: A: French; B: Spanish
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment (6)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 22. 12. 1997 — 11. 1. 1998
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 1. 12. 1997 [12 noon (Brussels time)]
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 15. 12. 1997 [12 noon (Brussels time)]
(b) period for making the goods available at the port of shipment: 5 — 25. 1. 1998
(c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** (7): periodic refund applicable to white sugar on 10. 11. 1997, fixed by Commission Regulation (EC) No 2202/97 (OJ L 303, 6. 11. 1997, p. 7)

LOT C

1. **Operation No** ⁽¹⁾: 64/97 (C1); 65/97 (C2); 66/97 (C3)
2. **Programme**: 1997
3. **Recipient** ⁽²⁾: CICR, 19 avenue de la Paix, CH-1202 Genève (tel.: (41 22) 734 60 01; telex: 22269 CICR CH)
4. **Representative of the recipient**: ICRC Tbilissi, Dutu Megreli Road 1, 380003 Tbilissi (tel.: (788 32) 935511; fax: (78832) 935520)
5. **Place or country of destination**: C1 + C2: Georgia; C3: Russia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾: see OJ C 114, 29. 4. 1991, p. 1 (V.A(1))
8. **Total quantity (tonnes)**: 220
9. **Number of lots**: one (in three parts) (C1: 50 tonnes; C2: 85 tonnes; C3: 85 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: see OJ C 267, 13. 9. 1996, p. 1 (11.2.A(1)(a), (2)(a) and B(2)) see OJ C 114, 29. 4. 1991, p. 1 (V.A(3))
Language to be used for the marking: English
Supplementary markings: 'AM — 0042' (C1); 'GG — 0102' (C2 + C3)
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows: A or B sugar (points (a) and (b))
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: C1 + C2: see point 4; C3: ICRC warehouse, Castello street 30A, Adler, Sochi/Russia (transport documents should mention: 'Final destination Sukhumi: Humanitarian aid in transit through Russia')
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 29. 12. 1997 — 11. 1. 1998
18. **Deadline for the supply**: 8. 2. 1998
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 1. 12. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 15. 12. 1997 (12 noon (Brussels time))
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 12 — 25. 1. 1998
 - (c) deadline for the supply: 22. 2. 1998
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire,
Attn Mr T. Vestergaard,
Bâtiment Loi 130, bureau 7/46,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels
telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: periodic refund applicable to white sugar on 10. 11. 1997, fixed by Commission Regulation (EC) No 2202/97 (OJ L 303, 6. 11. 1997, p. 7)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
- health certificate.
- (⁶) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁷) The rule provided at the second indent of Article 18 (2) (a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27. 9. 1977, p. 12), as last amended by Regulation (EC) No 260/96 (OJ L 34, 13. 2. 1996, p. 16), is binding for determination of the sugar category.
- (⁸) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (⁹) Notwithstanding OJ C 114, point V.A (3) (c) is replaced by the following: 'the words "European Community"'.
- (¹⁰) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 18 tonnes net.
- The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The supplier has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which is to be provided to the beneficiary's forwarder.
-

COMMISSION REGULATION (EC) No 2273/97**of 14 November 1997****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 2097/97**

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⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2097/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 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 submitted from 10 to 13 November 1997 in response to the invitation to tender for the export refund on wholly milled long grain rice falling within CN code 1006 30 67 to certain third countries issued in Regulation (EC) No 2097/97.

Article 2

This Regulation shall enter into force on 15 November 1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 22.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 2274/97**of 14 November 1997****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2096/97**

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⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2096/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2096/97 is hereby fixed on the basis of the tenders submitted from 10 November to 13 November 1997 at ECU 205 per tonne.

Article 2

This Regulation shall enter into force on 15 November 1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 19.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 2275/97**of 14 November 1997****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2095/97**

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⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2095/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2095/97 is hereby fixed on the basis of the tenders submitted from 10 to 13 November 1997 at ECU 228 per tonne.

Article 2

This Regulation shall enter into force on 15 November 1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 16.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 2276/97**of 14 November 1997****concerning tenders submitted in response to the invitation to tender for the
export of husked long grain rice to the island of Réunion referred to in
Regulation (EC) No 2094/97**

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⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion ⁽²⁾, and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽³⁾
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to decide, in accordance with the pro-
cedure laid down in Article 22 of Regulation (EC) No
3072/95 and on the basis of the tenders submitted, to
make no award;

Whereas on the basis of the criteria laid down in Articles
2 and 3 of Regulation (EEC) No 2692/89, a maximum
subsidy 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 submitted from
10 to 13 November 1997 in response to the invitation to
tender referred to in Regulation (EC) No 2094/97 for the
subsidy on exports to Réunion of husked long grain rice
falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 15 November
1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 2277/97

of 14 November 1997

fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2098/97

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⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2098/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2098/97 is hereby fixed on the basis of the tenders submitted from 10 to 13 November 1997 at ECU 202 per tonne.

Article 2

This Regulation shall enter into force on 15 November 1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 25.

⁽³⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 2278/97
of 14 November 1997
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Commission Regulation (EC) No 2186/97⁽³⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2 (3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for apples in response to appli-

cations submitted since 12 November 1997; whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 12 November 1997 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for apples for which applications were submitted on 12 November 1997 pursuant to Article 1 of Regulation (EC) No 2186/97 shall be issued for 14,8 % of the quantities applied for.

Applications for A1 export licences submitted after 12 November 1997 and before 13 January 1998 for that product shall be rejected.

Article 2

This Regulation shall enter into force on 15 November 1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ L 299, 4. 11. 1997, p. 10.

COMMISSION REGULATION (EC) No 2279/97**of 14 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 15 November 1997.

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

Done at Brussels, 14 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 14 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	47,8
	999	47,8
0709 90 79	052	120,8
	999	120,8
0805 20 31	204	98,5
	999	98,5
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	66,1
	464	206,7
	999	136,4
0805 30 40	052	86,9
	999	86,9
0806 10 50	052	125,0
	389	415,0
	400	257,8
	999	265,9
0808 10 92, 0808 10 94, 0808 10 98	052	53,6
	060	42,2
	064	42,4
	400	79,0
	404	79,9
	512	39,3
	528	51,2
	800	114,7
0808 20 67	999	62,8
	052	81,5
	064	77,5
	400	101,9
	999	87,0

⁽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 2280/97
of 14 November 1997
fixing 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 Article 10 of Regulation (EEC) No 1766/92 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 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals 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 for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 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 16 November 1997.

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

Done at Brussels, 14 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.

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	34,11	24,11
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	34,11	24,11
	medium quality	50,48	40,48
	low quality	59,91	49,91
1002 00 00	Rye	75,14	65,14
1003 00 10	Barley, seed	75,14	65,14
1003 00 90	Barley, other ⁽³⁾	75,14	65,14
1005 10 90	Maize seed other than hybrid	78,81	68,81
1005 90 00	Maize other than seed ⁽³⁾	78,81	68,81
1007 00 90	Grain sorghum other than hybrids for sowing	75,14	65,14

⁽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 13 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)	123,92	117,35	113,53	95,87	209,59 (1)	98,87 (1)
Gulf premium (ECU/tonne)	—	15,34	9,74	8,49	—	—
Great Lakes premium (ECU/tonne)	15,98	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,11 per tonne; Great Lakes — Rotterdam: ECU 22,27 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)

COUNCIL

COUNCIL DECISION

of 10 November 1997

concluding the Agreement on scientific and technological cooperation between
the European Community and the Republic of South Africa

(97/763/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130m, in conjunction with Article 228 (2), first sentence, and the first subparagraph of Article 228 (3) thereof,

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

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

Whereas the European Community and South Africa are pursuing specific RTD programmes in areas of common interest;

Whereas on the basis of past experience, both sides have expressed a desire to establish a deeper and broader framework for the conduct of collaboration in science and technology;

Whereas this agreement to cooperate in the field of science and technology forms part of the global cooperation between the Community and its Member States, on the one hand, and South Africa, on the other hand;

Whereas by its Decision of 22 January 1996, the Council authorized the Commission to negotiate an agreement on scientific and technological cooperation between the Community and the Republic of South Africa;

Whereas by its Decision of 5 December 1996, the Council decided that the Agreement on scientific and technological cooperation be signed on behalf of the Community;

Whereas the Agreement on scientific and technological cooperation between the European Community and the Republic of South Africa was signed on 5 December 1996;

Whereas the Agreement on scientific and technological cooperation between the European Community and the Republic of South Africa should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement on scientific and technological cooperation between the European Community and the Republic of South Africa is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

Pursuant to Article 11 of the Agreement, the President of the Council shall give notification that the procedures necessary for the entry into force of the Agreement have been completed on the part of the European Community.

Done at Brussels, 10 November 1997.

For the Council

The President

E. HENNICOT-SCHOEPGES

⁽¹⁾ OJ C 134, 29. 4. 1997, p. 7.

⁽²⁾ OJ C 304, 6. 10. 1997.

AGREEMENT

on scientific and technological cooperation between the European Community and the Republic of South Africa

THE EUROPEAN COMMUNITY (hereinafter 'the Community'), on the one hand, and

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA acting on behalf of the Republic of South Africa (hereinafter 'South Africa'), on the other hand,

hereinafter referred to as the 'Parties',

CONSIDERING the importance of science and technology for their economic and social development;

WHEREAS the Community and South Africa are pursuing research and technological development including demonstration in a number of areas of common interest and mutual benefit may be derived if the Parties engage in cooperative activities;

WHEREAS such cooperation should also be to the benefit of the Southern African Development Community where possible and justified;

WHEREAS, for this purpose, it is desirable that a framework for cooperation be established;

WHEREAS this scientific and technological cooperation Agreement forms part of the global cooperation between the Community and its Member States, on the one hand, and South Africa, on the other hand;

WHEREAS, by Decision No 1110/94/EC, the European Parliament and the Council of the European Union adopted a framework programme of European Community activities in the field of research and technological development and demonstration (1994-98), hereinafter called the 'Fourth Framework Programme';

WHEREAS, without prejudice to the relevant provisions of the Treaty establishing the European Community, this Agreement and any activities entered into under it will in no way affect the powers vested in the Member States to undertake bilateral activities with South Africa in the fields of science, technology, research and development, and to conclude, where appropriate, agreements to that end,

HAVE AGREED AS FOLLOWS:

Article 1

Objectives

The Parties shall encourage and facilitate cooperation between the Community and South Africa in fields of common interest where they are supporting research and development including demonstration activities to advance science and/or technology.

Article 2

Definitions

For the purposes of this Agreement:

- (a) 'cooperative activity' means any activity carried out under this Agreement and includes joint research;

- (b) 'information' means scientific or technical data, results or methods of research and development stemming from the joint research and any other information deemed necessary by the participants engaged in cooperative activity, including, where necessary, the Parties themselves;

- (c) 'intellectual property' shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organization, done at Stockholm, 14 July 1967;

- (d) 'joint research' means research, technological development and demonstration that is implemented with or without financial support from either or both Parties and that involves collaboration by participants from both the Community and South Africa;

- (e) 'participant' or 'research entity' means any person, legal entity, university, research institute or any other body or undertaking participating in a cooperative activity, including the Parties themselves.

Article 3

Principles

Cooperation shall be conducted on the basis of the following principles:

- (a) mutual benefit;
- (b) timely exchange of information which may affect the actions of participants in cooperative activities; and
- (c) within the framework of applicable laws and regulations, effective protection of intellectual property and equitable sharing of intellectual property rights, as set out in the Annex, which forms an integral part of this Agreement.

Article 4

Scope of the cooperation

Cooperation under this Agreement may cover all research and technological development and demonstration (hereinafter referred to as RTD) activities related to the Fourth Framework Programme and all similar RTD activities in South Africa.

Article 5

Modalities of cooperation

Cooperation may take the following forms:

- (a) (i) participation of South African research entities in RTD projects related to the Fourth Framework Programme and a reciprocal participation of research entities of the European Community in South African projects in similar areas of research; as regards South African participation in Community RTD projects, such participation shall be subject to the rules applicable for the participation of undertakings, research centres and universities in the specific programmes of RTD of the Community⁽¹⁾;
- (ii) for the purpose of participation by South African research entities in the specific programme of RTD in the field of cooperation with third coun-

tries and international organizations (1994-98) South Africa is considered a developing country;

- (b) shared use of research facilities;
- (c) visits and exchanges of research workers, engineers and technicians;
- (d) participation by experts in seminars, symposia and workshops;
- (e) scientific networks and training of researchers;
- (f) exchange of information on practices, laws, regulations and programmes relevant to cooperation under this Agreement;
- (g) other modalities as may be recommended by the Joint Science and Technology Cooperation Committee in accordance with the applicable policies and programmes of the Parties.

With the exception of projects under (a) (ii) above, joint RTD projects shall proceed once the participants have concluded a joint technology management plan (JTMP), as indicated in the Annex to this Agreement.

Article 6

Joint Science and Technology Cooperation Committee (JSTCC)

- (a) A Joint Science and Technology Cooperation Committee will be established in order to administer this Agreement; it will be composed of representatives of the Commission and of South Africa; it shall adopt its rules of procedure.
- (b) The functions of the JSTCC shall be to:
 - 1. promote and review the various cooperation activities envisaged under this Agreement;
 - 2. make recommendations pursuant to Article 5 (g);
 - 3. advise the Parties on ways to enhance cooperation consistent with the principles set out in this Agreement;
 - 4. review the efficient and effective functioning of the Agreement;
 - 5. provide a report annually to the Parties on the level, status and effectiveness of cooperation undertaken under this Agreement.
- (c) The JSTCC shall meet as mutually agreed, meetings being held alternately in the Community and South Africa.
- (d) Costs incurred by or on behalf of the Committee shall be met by the Party to whom the members are responsible. Costs, other than those of travel and accommodation, which are directly associated with meetings of the Committee, shall be met by the host Party.

⁽¹⁾ Council Decision 94/763/EC of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in the research, technological development and demonstration activities of the European Community (OJ L 306, 30. 11. 1994, p. 8).

*Article 7***Funding**

- (a) Cooperative activities shall be subject to the availability of funds and to the applicable laws and regulations, policies and programmes of the Parties.
- (b) Costs incurred by participants in cooperative activities shall not require any transfer of funds from one Party to the other, except for the participation referred to under Article 5 (a) (ii).

*Article 8***Entry of personnel and equipment**

Each Party shall take all reasonable steps and use its best efforts, within existing laws and regulations, to facilitate entry to and exit from its territory of personnel, material and equipment of the participant(s) engaged in or used in cooperative activities under this Agreement.

*Article 9***Dissemination and utilization of information**

Research entities established in South Africa, participating in Community RTD projects, shall, as regards ownership, dissemination and utilization of information and intellectual property arising from such participation, be subject to the rules for the dissemination of the research results from the specific programmes of RTD of the Community, and the Annex to this Agreement.

Research entities established in the Community, taking part in South African RTD projects, shall, as regards ownership, dissemination and utilization of information and intellectual property arising from such participation, have the same rights and obligations as those of South African research entities, and be subject to the Annex to this Agreement.

*Article 10***Territorial application**

This Agreement shall apply, on the one hand to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of South Africa.

*Article 11***Entry into force; termination; settlement of disputes**

- (a) This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their legal requirements have been fulfilled.
- (b) This Agreement shall be concluded for the duration of the Fourth Framework Programme and will be renewable by common agreement between the Parties (tacit renewal) for the specific programmes implementing subsequent framework programmes of the Community.
- (c) This Agreement may be amended by agreement of the Parties. Amendments shall enter into force on the date on which the Parties have notified each other in writing that their legal requirements have been fulfilled.
- (d) This Agreement may be terminated at any time by either Party upon six months written notice. The expiration or termination of this Agreement shall not affect the validity or duration of any arrangements made under it, or any specific rights and obligations that have accrued in compliance with the Annex.
- (e) All questions or disputes related to the interpretation or implementation of this Agreement shall be settled between the Parties by mutual agreement.

Article 12

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el cinco de diciembre de mil novecientos noventa y seis.

Udfærdiget i Bruxelles den femte december nitten hundrede og seksoghalvfems.

Geschehen zu Brüssel am fünften Dezember neunzehnhundertsechsdneunzig.

Έγινε στις Βρυξέλλες, στις πέντε Δεκεμβρίου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the fifth day of December in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le cinq décembre mil neuf cent quatre-vingt-seize.

Fatto a Bruxelles, addì cinque dicembre millenovecentonovantasei.

Gedaan te Brussel, de vijfde december negentienhonderd zesennegentig.

Feito em Bruxelas, em cinco de Dezembro de mil novecentos e noventa e seis.

Tehty Brysselissä viidentenä päivänä joulukuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Bryssel den femte december nittonhundranittiosex.

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

Pat Rallitto
Johel Cresson

For the Government of the Republic of South Africa



ANNEX

ANNEX ON THE DISSEMINATION AND UTILIZATION OF INFORMATION AND MANAGEMENT, ALLOCATION AND EXERCISE OF INTELLECTUAL PROPERTY RIGHTS**I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS**

1. All research carried out pursuant to this Agreement shall be 'joint research'. The participants performing the joint research shall develop joint technology management plans (JTMPs) which shall contain, as a minimum, principles in respect of the ownership and use, including publication, of information and intellectual property (IP) to be created in the course of the joint research⁽¹⁾.

The JTMPs shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contracts to which they are attached. The JTMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by applicable laws, the need for dispute settlement procedures and other factors deemed appropriate by the participants. The rights and obligations concerning the research and information generated by visiting researchers in respect of IP shall also be addressed in the JTMPs.

2. Information or IP created in the course of joint research and not addressed in a JTMP shall be allocated following the procedures set out in section I (1) according to the principles set out in that JTMP. In case of disagreement, which cannot be resolved by the agreed dispute resolution procedure, such unallocated information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results, and each participant to whom this provision applies shall have the right to use such information or IP for his/her own commercial exploitation with no geographical limitation.
3. In accordance with applicable laws, each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with the principles set out in section I of this Annex.
4. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to the Agreement, and arrangements made under it, are exercised in such a way as to encourage in particular:
 - (i) the dissemination and use of information created, disclosed, or otherwise made available, under the Agreement;
 - (ii) the adoption and implementation of international standards.

II. COPYRIGHT WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention (Paris Act 1971).

III. SCIENTIFIC LITERARY WORKS

Without prejudice to section IV, unless otherwise agreed in the JTMP, any publication of results of the joint research shall be made jointly by the participants. In addition to the foregoing general rule, the following procedure shall apply:

1. in the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to the Agreement, the other Party shall be entitled, with written permission from the publisher, to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
2. the Parties shall endeavour to disseminate literary works of a scientific character arising from joint research pursuant to the Agreement and published by independent publishers as widely as possible.
3. all copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author or authors expressly declines or decline to be named. Copies shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

⁽¹⁾ The indicative features of such JTMPs are set out in the Appendix.

IV. UNDISCLOSED INFORMATION

A. Documentary undisclosed information

1. Each Party or its participants shall identify at the earliest possible moment, and preferably in the JTMP, the information that it wishes to remain undisclosed in relation to this Agreement, taking into account, among other things, the following criteria:
 - secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field,
 - the actual or potential commercial value of the information by virtue of its secrecy,
 - previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.
2. Participants shall not normally be required to provide undisclosed information to the Parties. Should the Parties become aware of such information, they shall respect the privileged nature thereof, and it shall not be further disclosed by, within, or between the Parties, without the written consent of the participant(s) to whom the information belongs. These limitations shall automatically terminate when such information is disclosed by the owner, without restriction, to experts in the field.
3. Each Party shall ensure that undisclosed information, communicated between them under the Agreement, and its ensuing privileged nature is readily recognizable as such by the other Party, for example, by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.
4. Undisclosed information communicated under the Agreement, and received from the other Party, may be disseminated by the receiving Party to persons within or employed by the receiving Party and other concerned departments or agencies of the receiving Party authorized for the specific purposes of the joint research underway, provided that any undisclosed information so disseminated shall be pursuant to a written agreement of confidentiality and shall be readily recognizable as such, as set out above.
5. With the prior written consent of the Party providing undisclosed information under the Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3 above. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under the Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified in section IV (A) above, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware in advance and in written form of the confidential character of the information to be communicated.

C. Control

Each Party shall make its best efforts to ensure that undisclosed information received by it under the Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of paragraphs A and B above, it shall immediately inform the Party likely to be affected by the dissemination. The Parties involved shall thereafter consult to define an appropriate course of action.

*Appendix***Indicative features of a joint technology management plan (JTMP)**

The JTMP is part of the contract to be concluded between the participants in joint research defining their respective rights and obligations. With respect to intellectual property Rights, the JTMP will normally address, *inter alia*, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The JTMP may also address foreground and background information, the rules governing disclosure of undisclosed information, licensing and deliverables.

FINAL ACT

The plenipotentiaries of:

THE COUNCIL OF THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF SOUTH AFRICA,

of the other part,

meeting at Brussels, on the fifth day of December in the year one thousand nine hundred and ninety-six for the purpose of signing the Agreement on Scientific and Technological Cooperation between the European Community and the Republic of South Africa,

have, on signing this Agreement,

adopted the following Joint Declaration of the Contracting Parties:

Joint Declaration on the Scientific and Technological Agreement between the European Community and South Africa.

The Declaration referred to above is annexed to this Final Act.

**JOINT DECLARATION ON THE SCIENTIFIC AND TECHNOLOGICAL AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND SOUTH AFRICA**

The European Community and South Africa reiterate their firm will to strengthen scientific and technological cooperation and welcome the conclusion of this Agreement which will permit even closer collaboration between the two Parties to the advantage of research and technological development activities, including demonstration, in various areas of common interest.

The European Community and South Africa declare their commitment to do their utmost to ensure that the activities developed within the framework of this Agreement should also have a favourable impact in the wider Southern Africa region, thus contributing to harmonious and sustainable economic and social development, as envisaged in the European Union-SADC declaration adopted at the Ministerial Conference in Berlin in September 1994, and confirmed at the time of the Ministerial Conference in Windhoek in October 1996.

Hecho en Bruselas, el cinco de diciembre de mil novecientos noventa y seis.

Udfærdiget i Bruxelles den femte december nitten hundrede og seksoghalvfems.

Geschehen zu Brüssel am fünften Dezember neunzehnhundertsechsunneunzig.

Έγινε στις Βρυξέλλες, στις πέντε Δεκεμβρίου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the fifth day of December in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le cinq décembre mil neuf cent quatre-vingt-seize.

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Som skedde i Bryssel den femte december nittonhundranittiosex.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

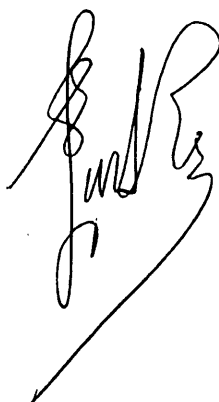
Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Raf. Rall-Itte
José Cresson

For the Government of the Republic of South Africa



Information on the data of entry into force of the Agreement for scientific and technological cooperation between the European Community and the Republic of South Africa

As the procedures necessary for the entry into force of the Agreement for scientific and technological cooperation between the European Community and the Republic of South Africa were completed on 11 November 1997, the said Agreement entered into force on that same date in accordance with Article 11 (a) thereof.

COMMISSION

COMMISSION DECISION

of 12 November 1997

on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC concerning the Netherlands

(Text with EEA relevance)

(97/764/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9, paragraph 6 (g) thereof,

Whereas in 1997 outbreaks of classical swine fever in the Netherlands were declared by the Dutch Veterinary Authorities;

Whereas in accordance with Article 9 (1) of Directive 80/217/EEC, a surveillance zone was immediately established around outbreak sites;

Whereas a surveillance zone for outbreaks confirmed in RVV Kringen Weert and Nijmegen in 1997 was established;

Whereas all pig holdings in the established surveillance zone have been subject to a regular inspection by a veterinarian and blood samples for laboratory examination have been collected;

Whereas Dutch Veterinary Authorities have implemented a computerized geographical information system able to identify the precise geographical location of all pig holdings in the surveillance zone;

Whereas in the last two months the epidemiological situation concerning classical swine fever in the southern area of the surveillance zone established in RVV Kringen Weert and Nijmegen has considerably improved;

Whereas the provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC⁽²⁾ on health conditions for the production and marketing of fresh meat as last amended by Directive 95/23/EC⁽³⁾;

Whereas the Netherlands have submitted a request for the adoption of a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in an established surveillance zone and slaughtered subject to a specific authorization issued by the competent authority;

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

1. Without prejudice for the provisions of Council Directive 80/217/EEC, in particular, Article 9 (6), the Netherlands are authorized to apply the mark described in Article 3 (1) (A) (e) of Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated south of latitude 51°36' North in the surveillance zone established in RVV Kringen Weert and Nijmegen in accordance with the provisions of Article 9 (1) of Directive 80/217/EEC on the condition that the pigs in question:

- (a) originate from a holding to which, following the epidemiological inquiry, no contact has been established with an infected holding;
- (b) originate from a holding which for a period of at least 30 days has been subject to a regular inspection, by a veterinarian. The inspection has included all pigs kept on the holding.

⁽²⁾ OJ L 121, 29. 7. 1964, p. 2012/64.

⁽³⁾ OJ L 243, 11. 10. 1995, p. 7.

⁽¹⁾ OJ L 47, 21. 1. 1980, p. 11.

- (c) have been subject to protection measures established in accordance with the provisions of Article 9 (6) (f) and (g) of Directive 80/217/EEC;
- (d) originate from a holding where in the 30 days previous to the slaughter serological tests for detection of classical swine fever based on a randomized sampling procedure have been carried out that assure that a prevalence of 2 % or more is detected with a confidence of 95 %;
- (e) have been included in a programme for monitoring body temperature and clinical examination. The programme shall be carried out as given in Annex I;
- (f) have been slaughtered within 12 hours of arrival at the slaughterhouse.

2. The Netherlands shall ensure that a certificate as given in Annex II is issued in respect of meat referred to in paragraph 1.

Article 2

Pigmeat which complies with the conditions of Article 1 (1) and enters into intra-Community trade must be accompanied by the certificate referred to in Article 1 (2).

Article 3

The Netherlands shall ensure that abattoirs designated to receive the pigs referred to in Article 1 (1) do not on the same day accept pigs for slaughter other than the pigs in question.

Article 4

The Netherlands shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1 (1);
- (b) a monthly report which contains information on:
 - the area to which the provisions of Article 1 apply,
 - the number of pigs slaughtered at the designated slaughterhouses,
 - identification system and movement controls applied to slaughter pigs, as required in accordance with Article 9 (6) (f) (i) of Directive 80/217/EEC,
 - instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 5

This Decision is applicable until 31 December 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1 (1) (e) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by an official veterinarian inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

Number of pigs in consignment	Number of pigs to be monitored
0 to 25	all
26 to 30	26
31 to 40	31
41 to 50	35
51 to 100	45
101 to 200	51
200 +	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartag, time of examination and temperature.

In cases where the examination shows a temperature of 40 °C or above, the official veterinarian shall immediately be informed. A disease investigation shall be initiated and take into account the provisions of Article 4 of Council Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

2. Shortly (0 to 3 hours) before loading of the consignment examined as described under 1 above, a clinical examination shall be carried out by an official veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under 1 and 2 above, the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the *ante-mortem* examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 (1) of Commission Decision 97/764/EC

No ⁽¹⁾:

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....
.....

III. Destination of meat

The meat will be sent

from:
(place of loading)to:
(place of destination)by the following means of transport ⁽²⁾:

Name and address of consignee:

.....

⁽¹⁾ Serial No issued by the official veterinarian.⁽²⁾ In the case of rail trucks and lorries, state the registration number and in the case of boats, name and, where necessary, the number of the container.

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 97/764/EC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC.

Done at, on

.....
(name and signature of the official veterinarian)
