

Official Journal

of the European Communities

ISSN 0378-6978

L 323

Volume 40

26 November 1997

English edition

Legislation

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⁽¹⁾ Text with REA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2326/97

of 25 November 1997

amending Regulation (EEC) No 32/82 laying down the conditions for granting special export refunds for beef and veal

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 13 (12) thereof,

Whereas Commission Regulation (EEC) No 32/82⁽³⁾, as last amended by Regulation (EEC) No 3169/87⁽⁴⁾, lays down the conditions for granting special export refunds on beef and veal;

Whereas light carcasses and unseparated hindquarters of adult male bovine animals are often presented with certain offal attached; whereas the latter does not qualify for the purposes of refunds granted; whereas provision should therefore be made for the weight of such carcasses and hindquarters to be corrected where the liver and/or kidneys are attached;

Whereas, for the sake of clarity, it should be laid down that the certificate referred to in the Annex, to be presented when completing the customs formalities for export, must be sent via the administrative channels to the agency responsible for payment of the refunds after completion of the said formalities;

Whereas Commission Regulation (EEC) No 798/80⁽⁵⁾, as last amended by Regulation (EEC) No 471/87⁽⁶⁾, and (EEC) No 2730/79⁽⁷⁾, as last amended by Regulation (EEC) No 1180/87⁽⁸⁾, were repealed by Commission

Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁹⁾, as last amended by Regulation (EC) No 2114/97⁽¹⁰⁾; whereas references to those Regulations should therefore be updated in the Regulation in question;

Whereas, since the entry into force of the Uruguay Round Agreement on Agriculture, the Commission is in a position to monitor the quantities on which special refunds are granted, using the export licences; whereas the communications from the Member States provided for in Article 4a of Regulation (EEC) No 32/82 can therefore be discontinued;

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

Regulation (EEC) No 32/82 is hereby amended as follows:

1. the following paragraph 3 is added to Article 1:

'3. Where carcasses or unseparated hindquarters are presented together with the liver and/or kidneys, the carcass weight shall be reduced by:

— 5 kg for the liver and kidneys together,

— 4,5 kg for the liver,

— 0,5 kg for the kidneys.'

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ L 301, 24. 10. 1987, p. 21.

⁽⁵⁾ OJ L 87, 1. 4. 1980, p. 42.

⁽⁶⁾ OJ L 48, 17. 2. 1987, p. 10.

⁽⁷⁾ OJ L 317, 12. 12. 1979, p. 1.

⁽⁸⁾ OJ L 113, 30. 4. 1987, p. 27.

⁽⁹⁾ OJ L 351, 14. 12. 1987, p. 1.

⁽¹⁰⁾ OJ L 295, 29. 10. 1997, p. 3.

2. the first and second subparagraphs of Article 2 (2) are replaced by the following:

'2. This proof shall be provided by means of a certificate, a specimen of which is given in the Annex, issued at the request of the party concerned by the intervention agency or any other authority designated for that purpose by the Member State in which the animals were slaughtered. The document shall be presented to the customs authorities at the time of completion of the customs formalities for export and shall be sent via the administrative channels to the agency responsible for payment of the refund after completion of the said formalities. Those formalities shall be completed in the Member State in which the animals were slaughtered.

However, where the products are placed under the arrangements referred to in Article 5 of Council Regulation (EEC) No 565/80 (*) the certificate referred to in the previous subparagraph must be presented to the customs authorities at the time of completion of the

customs formalities referred to in Article 25 (2) of Commission Regulation (EEC) No 3665/87 (**). Notwithstanding that Regulation, the operations referred to in Article 28 (4) (b), (c) and (d) of Regulation (EEC) No 3665/87 shall not be authorized where this subparagraph applies.

(*) OJ L 62, 7. 3. 1980, p. 5.

(**) OJ L 351, 14. 12. 1987, p. 1.;

3. in the second paragraph of Article 3, 'Article 5 of Regulation (EEC) No 2730/79' is replaced by 'Article 34 of Regulation (EEC) No 3665/87';
4. Article 4a is deleted;
5. the Annex is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the seventh 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, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

NOTES

- B. This certificate must be submitted to the customs office where the customs formalities for export or deposit in customs warehouse or free zone are completed.
- C. The customs office concerned must send this certificate, after endorsement, to the agency responsible for paying export refunds.

8 Number of pieces in words10. DECLARATION BY THE ISSUING AUTHORITY

The undersigned hereby declares that the meat described above comes from adult male bovine animals.
Means of identification employed:

The customs formalities for export or deposit in customs warehouse or free zone for the meat described above have been completed.

Customs document:

Type:

Number:

Date:

Place:

Date:

(Signature)

(Stamp)

(Signature)

(Stamp or printed seal)

- (1) Optional.
- (2) Delete where inapplicable.
- (3) After deduction of the fixed weight for offal where this is attached to the carcase or the unseparated hindquarter.

COMMISSION REGULATION (EC) No 2327/97
of 25 November 1997

opening Community tariff quotas for 1998 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 10, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations⁽¹⁾, as last amended by Regulation (EC) No 1595/97⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 1589/96⁽⁴⁾, and in particular Article 12 (5) thereof,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽⁵⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽⁶⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part⁽⁷⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part⁽⁸⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3382/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part⁽⁹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁰⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations⁽¹¹⁾, and in particular Article 5 thereof,

Whereas under the Agreement on Agriculture concluded in the framework of the Uruguay Round of multilateral trade negotiations⁽¹²⁾, the Community has undertaken to open a non-country-specific tariff quota; whereas the Europe Agreements concluded between the Community and the countries of Central Europe allow additional preferential access to the Community market;

Whereas, moreover, the Community has established a tariff quota for imports of sheepmeat and goatmeat from Estonia, Latvia and Lithuania by virtue of Regulation (EC) No 1926/96;

⁽¹⁾ OJ L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ L 216, 8. 8. 1997, p. 1.

⁽³⁾ OJ L 289, 7. 10. 1989, p. 1.

⁽⁴⁾ OJ L 206, 16. 8. 1996, p. 25.

⁽⁵⁾ OJ L 319, 21. 12. 1993, p. 1.

⁽⁶⁾ OJ L 319, 21. 12. 1993, p. 4.

⁽⁷⁾ OJ L 341, 30. 12. 1994, p. 14.

⁽⁸⁾ OJ L 341, 30. 12. 1994, p. 17.

⁽⁹⁾ OJ L 368, 31. 12. 1994, p. 1.

⁽¹⁰⁾ OJ L 368, 31. 12. 1994, p. 5.

⁽¹¹⁾ OJ L 254, 8. 10. 1996, p. 1.

⁽¹²⁾ OJ L 336, 23. 12. 1994, p. 22.

Whereas the tariff quotas have to be opened for 1998 by the Commission and be managed according to the rules laid down in Commission Regulation (EC) No 1439/95 ⁽¹⁾, as last amended by Regulation (EC) No 2498/96 ⁽²⁾;

Whereas a carcase-weight equivalent needs to be fixed in order to ensure a proper functioning of the tariff quotas; whereas, furthermore, certain tariff quotas provide the option of importing either the live animals or their meat; whereas a conversion factor is therefore required;

Whereas Regulation (EC) No 3066/95 provided in particular, as an autonomous transitional measure, for a reduction in duty and increases in certain import quotas from the Associated Countries of Eastern Europe; whereas it also provided for the importation of pure-bred breeding goats falling within CN code 0104 20 10 within the tariff quotas for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria; whereas it is necessary to derogate for 1998 from some of the implementing provisions laid down by Regulation (EC) No 1439/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community tariff quotas for the sheepmeat and goatmeat sectors and provides for certain derogations from Regulation (EC) No 1439/95 for the period 1 January to 31 December 1998.

Article 2

The customs duties applicable to imports into the Community of sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 originating in the countries indicated in the Annexes and of live pure-bred breeding goats falling within CN code 0104 20 10 for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria shall be suspended or reduced during the periods, at the levels and within the limits of the tariff quotas laid down in this Regulation.

Article 3

1. The quantities of meat, expressed in carcase weight equivalent, falling within CN code 0204 for which the customs duty, applicable to imports originating in specific supplying countries, is suspended for the period between

1 January and 31 December 1998, shall be those laid down in Annex I.

2. The quantities of live animals and meat expressed as carcase weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and, in addition, for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria falling within CN code 0104 20 10, for which the customs duty, applicable to imports originating in specific supplying countries, is reduced to zero for the period between 1 January and 31 December 1998, shall be those laid down in Annex II.

3. The quantities of live animals, expressed in live weight, falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90 for which the customs duty, applicable to imports originating in specific supplying countries, is reduced to 10 % *ad valorem* for the period between 1 January and 31 December 1998, shall be those laid down in Annex III.

4. The quantities of live animals, expressed in live weight, falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90 for which the customs duty, applicable to imports, is reduced to 10 % *ad valorem* for the period between 1 January and 31 December 1998, shall be those laid down in Annex IV, Part A.

5. The quantities of meat, expressed in carcase weight equivalent, falling within CN code 0204 for which the customs duty, applicable to imports, is suspended for the period between 1 January and 31 December 1998, shall be those laid down in Annex IV, Part B.

Article 4

1. The tariff quotas provided for Article 3 (1), (2) and (3) shall be managed in accordance with the rules laid down in Title II A of Regulation (EC) No 1439/95.

2. The tariff quotas provided for Article 3 (4) and (5) shall be managed in accordance with the rules laid down in Title II B of Regulation (EC) No 1439/95.

Article 5

1. The term 'carcase weight equivalent' referred to in Article 3 shall be taken to mean the weight of bone-in meat presented as such, and also boned meat converted by a coefficient into bone-in weight. For this purpose 55 kilograms of boned mutton or goatmeat other than kid corresponds to 100 kilograms of bone-in mutton or goatmeat other than kid and 60 kilograms of boned lamb or kid corresponds to 100 kilograms of bone-in lamb or kid.

2. Where the option is available under the Association Agreements between the Community and certain supplier countries, of allowing imports in the form of live animals or as meat, 100 kilograms of live animals shall be considered to be equivalent to 47 kilograms of meat.

⁽¹⁾ OJ L 143, 27. 6. 1995, p. 7.

⁽²⁾ OJ L 338, 28. 12. 1996, p. 53.

Article 6

The derogations from Regulation (EC) No 1439/95 are as follows:

1. Title II A shall apply *mutatis mutandis* in respect of the import of products falling within CN code 0104 20 10 for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria;
2. in Article 14 (1) the following phrase is inserted after 0104 20 90, 'and for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria CN code 0104 20 10';
3. Article 14 (4) is replaced by the following:

'4. Import licences issued in respect of the quantities referred to in Annex II to Regulation (EC) No 1440/95 and in subsequent annual tariff quota regulations shall bear in box 24 at least one of the following entries:

- Derecho limitado a 0 [aplicación del Anexo II del Reglamento (CE) No 1440/95 y de posteriores Reglamentos por los que se establecen contingentes arancelarios anuales]
- Told nedsat til 0 (jf. bilag II til forordning (EF) No 1440/95 og efterfølgende forordninger om årlige toldkontingenter)
- Beschränkung des Zollsatzes auf Null (Anwendung von Anhang II der Verordnung (EG) No 1440/95 und der späteren jährlichen Verordnungen über die Zollkontingente)
- Δασμός περιοριζόμενος στο μηδέν [εφαρμογή του παραρτήματος II του κανονισμού (ΕΚ) No 1440/95 και των μεταγενέστερων κανονισμών

σχετικά με την ετήσια δασμολογική ποσόστωση]

- Duty limited to zero (application of Annex II to Regulation (EC) No 1440/95 and subsequent annual tariff quota regulations)
- Droit de douane nul [application de l'annexe II du règlement (CE) No 1440/95 et des règlements ultérieurs sur les contingents tarifaires]
- Dazio limitato a zero [applicazione dell'allegato II del regolamento (CE) No 1440/95 e dei successivi regolamenti relativi ai contingenti tariffari annuali]
- Invoerrecht beperkt tot 0 (toepassing van bijlage II bij Verordening (EG) No 1440/95 en van de latere verordeningen tot vaststelling van de jaarlijkse tariefcontingenten)
- Direito limitado a zero [aplicação do anexo II do Regulamento (CE) No 1440/95 e regulamentos subsequentes relativos aos contingentes pautais anuais]
- Tulli rajoitettu 0 prosenttiin [asetuksen (EY) No 1440/95 liitteeseen II ja sen jälkeen annettujen vuotuisia tariffikiintiöitä koskevien asetusten soveltaminen]
- Tull begränsad till noll procent (tillämpning av bilaga II i förordning (EG) No 1440/95 i senare förordningar om årliga tullkvoter).'

Article 7

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

It shall apply from 1 January to 31 December 1998.

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

Done at Brussels, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

QUANTITIES FOR 1998 REFERRED TO IN ARTICLE 3 (1)

Order No 09.4033

Sheepmeat and goatmeat (tonnes in CWE) at zero duty

	(in tonnes)
Argentina	23 000
Australia	18 650
Chile	3 000
New Zealand	226 700
Uruguay	5 800
Iceland	1 350
Bosnia-Herzegovina	850
Croatia	450
Slovenia	50
Former Yugoslav Republic of Macedonia	1 750

ANNEX II

QUANTITIES FOR 1998 REFERRED TO IN ARTICLE 3 (2)

(tonnes cwe)

Duty rate zero

	(in tonnes)		
	Live animals	Meat	Live animals and/or meat
Poland	—	—	9 200 ⁽²⁾
Romania ⁽¹⁾	1 950 ⁽²⁾	337,5 ⁽²⁾	—
Hungary	—	—	13 862,5 ⁽²⁾
Bulgaria	—	—	5 388 ⁽²⁾
Czech Republic	—	—	2 025 ⁽²⁾
Slovakia	—	—	4 050 ⁽²⁾

⁽¹⁾ Possibility of converting limited quantities between live animals and meat.⁽²⁾ Order No 09.4575.⁽³⁾ Order No 09.4576.

*ANNEX III***QUANTITIES FOR 1998 REFERRED TO IN ARTICLE 3 (3)***Order No 09.4035***Live sheep and goats (tonnes live weight) — Duty rate 10 %**

Former Yugoslav Republic of Macedonia

215 tonnes

*ANNEX IV***A. QUANTITIES FOR 1998 REFERRED TO IN ARTICLE 3 (4)***Order No 09.4036***Live sheep and goats (tonnes live weight) — Duty rate 10 %**

Others:

105 tonnes

B. QUANTITIES FOR 1998 REFERRED TO IN ARTICLE 3 (5)*Order No 09.4037***Sheepmeat and goatmeat (tonnes CWE) — Duty rate zero**

Others:

407,5 tonnes

(of which Greenland 100 tonnes, Faeroes 20 tonnes and Estonia, Latvia and Lithuania 107,5 tonnes)

COMMISSION REGULATION (EC) No 2328/97

of 25 November 1997

opening imports of a quantity of 280 330 tonnes of quality common wheat in the framework of the tariff quota of 300 000 tonnes of quality wheat opened by Regulation (EC) No 529/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EC) No 529/97 of 21 March 1997 opening and administering a tariff quota of 300 000 tonnes of quality wheat and repealing Regulation (EC) No 1854/94⁽²⁾, as amended by Regulation (EC) No 850/97⁽³⁾, lays down provisions governing imports under that quota; whereas, in view of the situation on the Community market for wheat, import licence applications should be called for under that quota for a given period;

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

1. Import licence applications may be submitted for quality common wheat falling within CN code 1001 90 99 meeting the criteria laid down in Annex I to Regulation (EC) No 529/97, from the date of entry into force of this Regulation until the end of the 30th day thereafter.

2. A total of 280 330 tonnes of common wheat may be imported in accordance with this Article.

3. Regulation (EC) No 529/97 shall apply to such imports.

Article 2

This Regulation shall enter into force on the third 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, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ L 82, 22. 3. 1997, p. 44.

⁽³⁾ OJ L 122, 14. 5. 1997, p. 10.

COMMISSION REGULATION (EC) No 2329/97**of 25 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 Regu-
lation (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 multilat-
eral trade negotiations, the criteria whereby the Commis-
sion fixes the standard values for imports from third

countries, in respect of the products and periods stipu-
lated 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 26 November
1997.

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

Done at Brussels, 25 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 25 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	46,9
	999	46,9
0707 00 40	052	62,1
	999	62,1
0709 90 79	052	99,1
	999	99,1
0805 20 31	204	61,6
	999	61,6
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	57,1
	400	50,5
	464	123,7
	999	77,1
	052	93,8
0805 30 40	528	49,9
	600	81,1
	999	74,9
	052	51,0
0808 10 92, 0808 10 94, 0808 10 98	060	45,2
	064	41,6
	400	88,7
	404	84,5
	999	62,2
0808 20 67	052	99,8
	064	83,7
	400	97,5
	999	93,7

⁽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 2330/97
of 25 November 1997

opening and providing for the administration of a Community tariff quota for 1998 for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 (1) thereof,

Whereas during the World Trade Organization of multi-lateral trade negotiations, the Community undertook to open a tariff quota restricted to 21 million tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand per four-year period, with customs duty reduced to 6 %; whereas this quota must be opened and administered by the Commission;

Whereas it is necessary to keep an administration system which ensures that only products originating in Thailand may be imported under the quota; whereas, therefore, the issue of an import licence should continue to be subject to the presentation of an export certificate issued by the Thai authorities, a specimen of which has been notified to the Commission;

Whereas since imports to the Community market of the products concerned have traditionally been administered on the basis of a calendar year this system should be kept; whereas it is therefore necessary to open a quota for 1998;

Whereas the import of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 is subject to the presentation of an import licence for which the common detailed rules of application are laid down in Commission Regulation (EEC) No 3719/88⁽²⁾, as last amended by Regulation (EC) No 1404/97⁽³⁾; whereas Commission Regulation (EC) No 1162/95⁽⁴⁾, as last amended by Regulation (EC) No 932/97⁽⁵⁾, lays down the special detailed rules for the application of the system of licenses for cereals and rice;

Whereas experience has shown that, taking into account that the Community concession provides for an overall quantity for four years with an annual maximum of

5 500 000 tonnes, it is advisable to maintain measures which, under certain conditions, either facilitate the release for free circulation of quantities of products exceeding those given in the import licences, or allow the difference between the figure given in the import licences and the smaller figure actually imported to be carried forward;

Whereas, in order to ensure the correct application of the agreement, it is necessary to establish a system of strict and systematic controls that take account of the information given on the Thai export certificates and the Thai authorities' procedures for issuing export certificates;

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

1. An import tariff quota for 5 500 000 tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand is hereby opened for the period 1 January to 31 December 1998. The customs duty applicable is hereby fixed at 6 % *ad valorem*.
2. The abovementioned products shall benefit from the arrangements provided for in this Regulation if imported under cover of import licences:
 - (a) which are issued subject to the submission of a certificate for export to the European Community issued by the Department of Foreign Trade, Ministry of Commerce, Government of Thailand, hereinafter referred to as an 'export certificate', which meets the requirements laid down in Title I;
 - (b) which meet the requirements laid down in Title II.

TITLE I

Export certificates

Article 2

1. There shall be one original and at least one copy of the export certificate, to be made out on a form of which a specimen is given in the Annex.

⁽¹⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 135, 27. 5. 1997, p. 2.

The size of the form shall be approximately 210 × 297 millimetres. The original shall be made out on white paper having a printed yellow guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

2. The forms shall be printed and completed in English.

3. The original and the copies shall be completed in typescript or in handwriting. In the latter case, they must be completed in ink and in block capitals.

4. Each export certificate shall bear a pre-printed serial number; in the upper section it shall also bear a certificate number. The copies shall bear the same numbers as the original.

Article 3

1. Export certificates issued from 1 January to 31 December 1998 shall be valid for 120 days from the date of issue. The date of issue of the certificate shall be counted as part of the period of validity of the certificate.

For the certificate to be valid, the sections thereof must be duly completed and it must be authenticated, as stipulated in the instructions indicated thereon. The shipped weight must be written out in full and also given in figures.

2. The export certificate shall be duly authenticated when it indicates the date of issue and bears the stamp of the issuing body and the signature of the person or persons authorized to sign it.

TITLE II

Import licences

Article 4

1. Application for an import licence for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand shall be submitted to the competent authorities in the Member States accompanied by the original of the export certificate. The original of the said export certificate shall be retained by the body which issues the import licence. However, where the application for an import licence relates to only a part of the quantity indicated on the export certificate, the issuing body shall indicate on the original the quantity for which the original was used and, after affixing its stamp, shall return the original to the party concerned.

Only the quantity indicated under 'shipped weight' on the export certificate shall be taken into consideration for the issue of the import licence.

2. Where it is found that the quantities actually unloaded in a given consignment are greater than the total figured on the import licence or licences issued for this

consignment the competent authorities who issued the import licence or licences concerned shall, at the request of the importer, communicate to the Commission by telex, case by case and as soon as possible, the number or numbers of the Thai export certificates, the number or numbers of the import licences, the excess quantity concerned and the name of the cargo vessel.

The Commission shall make contact with the Thai authorities so that new export certificates may be drawn up. Pending their being drawn up, the excess quantities may not be released for free circulation under the conditions laid down in this Regulation as long as new import licences for the quantities in question cannot be presented. New import licences shall be issued under the conditions laid down in Article 7.

3. However, by way of derogation from paragraph 2, where it is found that the quantities actually unloaded in the case of a given delivery do not exceed by more than 2 % the quantities covered by the import licence or licences presented, the competent authorities of the Member State of release for free circulation shall, at the importer's request, authorize the release for free circulation of the surplus quantities in return for payment of a customs duty with a ceiling of 6 % *ad valorem* and the lodging by the importer of a security of an amount equal to the difference between the duty laid down in the Common Customs Tariff and the duty paid.

When the Commission receives the information referred to in the first subparagraph of paragraph 2, it shall contact the Thai authorities so that new export certificates may be drawn up.

The security shall be released on presentation to the competent authorities of the Member State of release for free circulation of an additional import licence for the quantities concerned. Application for that licence does not entail obligation to lodge the security for a licence referred to in Article 14(2) of Regulation (EEC) No 3719/88 or Article 5 of this Regulation. The licence shall be issued under the conditions laid down in Article 7 and upon presentation of one or more new export certificates issued by the Thai authorities. The additional import licence shall contain in box 20 one of the following entries:

- Certificado complementario, apartado 3 del artículo 4 del Reglamento (CE) n° 2330/97
- Supplerende licens, forordning (EF) nr. 2330/97, artikel 4, stk. 3
- Zusätzliche Lizenz — Artikel 4 Absatz 3 der Verordnung (EG) Nr. 2330/97
- Συμπληρωματικό πιστοποιητικό — Άρθρο 4 παράγραφος 3 του κανονισμού (ΕΚ) αριθ. 2330/97
- Licence for additional quantity, Article 4 (3) of Regulation (EC) No 2330/97
- Certificat complémentaire, règlement (CE) n° 2330/97 article 4 paragraphe 3

- Titolo complementare, regolamento (CE) n. 2330/97 articolo 4, paragrafo 3
- Aanvullend certificaat — artikel 4, lid 3, van Verordening (EG) nr. 2330/97
- Certificado complementar, n.º 3 do artigo 4.º do Regulamento (CE) n.º 2330/97
- Lisätodistus, asetus (EY) N:o 2330/97, 4 artiklan 3 kohta
- Kompletterande licens, artikel 4.3 i förordning (EG) nr 2330/97.

Except in cases of *force majeure*, the security shall be retained for quantities for which an additional import licence is not presented within a period of four months from the date of acceptance of the declaration of release for free circulation referred to in the first subparagraph. It shall be retained in particular for quantities for which the additional import licence has not been issued pursuant to Article 7 (1).

After the competent authority has entered the quantity on the additional import licence and authenticated the entry, and the security provided for in the first subparagraph is released, the licence shall be sent to the issuing body as quickly as possible.

4. Applications for licences may be submitted in all Member States and licences issued are valid throughout the Community.

The provisions of the fourth indent of Article 5(1) of Regulation (EEC) No 3719/88 shall not apply to imports carried out pursuant to this Regulation.

Article 5

By way of derogation from Article 10 of Regulation (EC) No 1162/95, the security relating to the import licences provided for in this Title shall be ECU 5 per tonne.

Article 6

1. Applications for an import licence and the licence itself shall be marked 'Thailand' in box 8.

2. The licence shall bear the following indications in one of the language versions given below:

(a) in box 24:

- Derechos de aduana limitados al 6 % *ad valorem* [Reglamento (CE) n.º 2330/97]
- Toldsatsen begrænses til 6 % af værdien (Forordning (EF) nr. 2330/97)
- Beschränkung des Zolls auf 6 % des Zollwerts (Verordnung (EG) Nr. 2330/97)
- Τελωνειακός δασμός κατ' ανώτατο όριο 6 % κατ' αξία [Κανονισμός (ΕΚ) αριθ. 2330/97]
- Customs duties limited to 6 % *ad valorem* (Regulation (EC) No 2330/97)
- Droits de douane limités à 6 % *ad valorem* [règlement (CE) n.º 2330/97]

- Dazi doganali limitati al 6 % *ad valorem* [regolamento (CE) n. 2330/97]
- Douanerechten beperkt tot 6 % *ad valorem* (Verordening (EG) nr. 2330/97)
- Direitos aduaneiros limitados a 6 % *ad valorem* (Regulamento (CE) n.º 2330/97)
- Arvotulli rajoitettu 6 prosenttiin (asetus (EY) N:o 2330/97)
- Tullsatsen begränsad till 6 % av värdet (Förordning (EG) nr 2330/97);

(b) in box 20:

- Nombre del barco (indicar el nombre del barco que figura en el certificado de exportación tailandés)
- Skibets navn (skibsnavn, der er anført i det thailandske eksportcertifikat)
- Name des Schiffes (Angabe des in der thailändischen Ausfuhrbescheinigung eingetragenen Schiffsnamens)
- Ονομασία τῶν πλοίου (σημειώστε την ονομασία του πλοίου που αναγράφεται στο ταϊλανδικό πιστοποιητικό εξαγωγής)
- Name of the cargo vessel (state the name of the vessel given on the Thai export certificate)
- Nom du bateau (indiquer le nom du bateau figurant sur le certificat d'exportation thaïlandais)
- Nome della nave (indicare il nome della nave che figura sul titolo di esportazione thailandese)
- Naam van het schip (zoals aangegeven in het Thaise uitvoercertificaat)
- Nome do navio (indicar o nome do navio que consta do certificado de exportação tailandês)
- Laivan nimi (nimi, joka on thaimaalaisessa vientitodistuksessa)
- Fartygets navn (namnet på det fartyg som anges i den thailändska exportlicensen),
- Número y fecha del certificado de exportación tailandés
- Det thailandske eksportcertifikats nummer og dato
- Nummer und Datum der thailändischen Ausfuhrbescheinigung
- Αριθμός και ημερομηνία του ταϊλανδικού πιστοποιητικού εξαγωγής
- Serial number and date of the Thai export certificate
- Numéro et date du certificat d'exportation thaïlandais
- Numero e data del titolo di esportazione thailandese
- Nummer en datum van het Thaise uitvoercertificaat
- Número e data do certificado de exportação tailandês
- Thaimaalaisen vientitodistuksen numero ja päivämäärä
- Den thailändska exportlicensens nummer och datum.

3. A licence shall be accepted in support of a declaration of release for free circulation only if, notably in the light of a copy of the bill of lading presented by the party concerned, it is shown that the products for which release for free circulation is requested have been transported to the Community by the vessel referred to in the import licence.

4. Subject to application of Article 4 (3) and notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that shown in boxes 17 and 18 of the import licence. The figure '0' shall be entered to that effect in box 19 of the said licence.

Article 7

1. The import licence shall be issued on the fifth working day following the day on which the application was lodged, after the Commission has informed the competent authorities of the Member State by telex or fax that the conditions laid down in this Regulation have been fulfilled.

In the event of non-observance of the conditions governing the issue of the licence, the Commission may, where necessary, and following consultation with the Thai authorities, adopt appropriate measures.

2. At the request of the party concerned, and following communication of the Commission's agreement by telex or fax, the import licence may be issued within a shorter period.

Article 8

By way of derogation from Article 6 of Regulation (EC) No 1162/95, the last day of the period of validity of the import licence shall correspond to the last day of the period of validity of the export certificate plus 30 days.

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

Done at Brussels, 25 November 1997.

Article 9

1. The Member States shall communicate to the Commission each day by telex or fax the following information concerning each application for a licence:

- the quantity for which each import licence is requested, with the indication, where appropriate, 'additional import licence',
- the name of the applicant for the import licence,
- the number of the export certificate submitted, as indicated in the upper section of the certificate,
- the date of issue of the export certificate,
- the total quantity for which the export certificate was issued,
- the name of the exporter indicated on the export certificate.

2. At the end of the first half of 1999, at the latest, the authorities responsible for issuing import licences shall communicate to the Commission by telex or fax a complete list of quantities not taken up, indicated on the back of the import licences, the name of the cargo vessel and the numbers of the export certificates in question.

TITLE III

Final provisions

Article 10

This Regulation shall enter into force on 1 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

SERIAL No

**ORIGINAL****DEPARTMENT OF FOREIGN TRADE****MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND****EXPORT CERTIFICATE SUBJECT TO REGULATION (EC) No 2403/96**

SPECIAL FORM FOR PRODUCTS FALLING WITHIN CN CODES 0714 10 10, 0714 10 91, 0714 10 99

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EC	
5. TYPE OF MANIOC PRODUCTS	6. WEIGHT (TONNES)		7. PACKING
☐ CN CODE 0714 10 10 ☐ CN CODE 0714 10 91 ☐ CN CODE 0714 10 99	SHIPPED WEIGHT		☐ IN BULK ☐ BAGS ☐ OTHERS
	ESTIMATED NET WEIGHT		

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

.....
NAME AND SIGNATURE OF AUTHORIZED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE BY EC AUTHORITIES:

COMMISSION REGULATION (EC) No 2331/97
of 25 November 1997
on special conditions for granting export refunds on certain pigmeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 13 (12) and 22 thereof,

Having regard to Council Regulation (EEC) No 386/90 of 12 February 1990 on the monitoring carried out at the time of export of agricultural products receiving refunds or other amounts⁽³⁾, as amended by Regulation (EC) No 163/94⁽⁴⁾, and in particular Article 6 thereof,

Whereas Article 13 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 2114/97⁽⁶⁾, provides that no refund is to be granted where the products or goods are not of sound and fair marketable quality in the form in which they are exported;

Whereas such requirements have nevertheless proved insufficient to ensure that uniform conditions apply when refunds are paid on some of the products listed in Article 1 (1) of Regulation (EEC) No 2759/75;

Whereas additional conditions relating to products of average quality and enabling the payment of refunds on products of inferior quality to be refused should consequently be laid down at Community level;

Whereas provision should be made for an additional quality in the case of products falling within CN codes 1601 00 99 and 1602 49 19, not containing poultrymeat and for which the quality criteria should be set high in order to limit any refunds granted to such products where the quantities covered by export licence applications exceed or are likely to exceed traditional quantities;

Whereas it is essential to make provision for checks to ensure compliance with this Regulation; whereas such

checks are to be conducted pursuant to Commission Regulation (EC) No 2221/95 of 20 September 1995 laying down detailed rules for the application of Council Regulation (EEC) No 386/90 as regards physical checks carried out at the time of export of agricultural products qualifying for refunds⁽⁷⁾, as amended by Regulation (EC) No 1167/97⁽⁸⁾, and must in particular include an organoleptic examination and physical and chemical analyses; whereas applications for refunds must accordingly be accompanied by a written declaration to the effect that the products in question meet the requirements laid down herein;

Whereas provision must be made for certain clearly defined analyses with a view to ensuring standardization of the physical and chemical checks;

Whereas, furthermore, there have been changes in the number of products on which refunds are granted and in the references to the various Regulations concerned; whereas, for the sake of simpler administration, Commission Regulation (EEC) No 171/78 of 30 January 1978 on special conditions for granting export refunds on certain pigmeat products⁽⁹⁾, as last amended by Regulation (EEC) No 1526/92⁽¹⁰⁾, should accordingly be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to other Community provisions and in particular Regulation (EEC) No 3665/87, export refunds shall only be granted on the products listed in Annex I hereto where:

(a) they meet the conditions laid down therein;

and

(b) box 44 of the export declaration bears the words 'goods complying with Regulation (EC) No 2331/97'.

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 42, 16. 2. 1990, p. 6.

⁽⁴⁾ OJ L 24, 29. 1. 1994, p. 2.

⁽⁵⁾ OJ L 351, 14. 12. 1987, p. 25.

⁽⁶⁾ OJ L 295, 29. 10. 1997, p. 3.

⁽⁷⁾ OJ L 224, 21. 9. 1995, p. 13.

⁽⁸⁾ OJ L 169, 27. 6. 1997, p. 12.

⁽⁹⁾ OJ L 25, 31. 1. 1978, p. 21.

⁽¹⁰⁾ OJ L 160, 13. 6. 1992, p. 12.

2. For the purposes of this Regulation, products manufactured for human consumption and suitable therefor by reason of the raw materials used, their preparation under satisfactory hygienic conditions and their packaging shall be deemed to be of sound and fair marketable quality within the meaning of Article 13 of Regulation (EEC) No 3665/87.

Article 2

When the checks referred to in Article 5 of Regulation (EC) No 2221/95 are conducted, the checks on the products covered by this Regulation shall entail:

- (a) an organoleptic examination;
and
- (b) physical and chemical analyses using the methods laid down in Annex II hereto.

Article 3

Regulation (EEC) No 171/78 is hereby repealed.

Article 4

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

It shall apply from 1 December 1997.

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

Done at Brussels, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Special conditions for granting export refunds on certain pigmeat products

CN code	Description	Product code	Conditions
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:		
	— Other:		
1601 00 91	— — Sausages, dry or for spreading, uncooked	1601 00 91 9100	(a) protein content by weight: minimum 12 % of the net weight (b) no addition of extraneous water (c) proteins other than animal proteins are prohibited
1601 00 99	— — Other:		
	— — — In containers which also contain preserving liquid, not containing poultry meat or offal	1601 00 99 9110	(a) animal protein content by weight: minimum 10 % of net weight (b) collagen/protein ratio: maximum 0,30 (c) extraneous water content by weight: maximum 25 % of net weight
	— — — In containers which also contain preserving liquid	1601 00 99 9100	(a) animal protein content by weight: minimum 8 % of net weight (b) collagen/protein ratio: maximum 0,45 (c) extraneous water content by weight: maximum 33 % of net weight
	— — — Other, not containing poultry meat or offal	1601 00 99 9110	(a) animal protein content by weight: minimum 10 % of net weight (b) collagen/protein ratio: maximum 0,30 (c) extraneous water content by weight: maximum 10 % of net weight
	— — — Other:	1601 00 99 9100	(a) animal protein content by weight: minimum 8 % of net weight (b) collagen/protein ratio: maximum 0,45 (c) extraneous water content by weight: maximum 23 % of net weight
1602	Other prepared or preserved meat, meat offal or blood:		
	— Of swine:		
ex 1602 41	— — Hams and cuts thereof:		
ex 1602 41 10	— — — Of domestic swine:		
	— — — — Containing by weight 80 % or more of meat or fat	1602 41 10 9210	Water/protein ratio in meat: maximum 4,3
ex 1602 42	— — Shoulders and cuts thereof:		
1602 42 10	— — — Of domestic swine:		
	— — — — Containing by weight 80 % or more of meat or fat	1602 42 10 9210	Water/protein in meat: maximum 4,5

CN code	Description	Product code	Conditions
ex 1602 49 19	— — — — — Other:		
	— — — — — Not containing poultry meat or offal	1602 49 19 9120	(a) animal protein content by weight: minimum 12 % of net weight (b) collagen/protein ratio: maximum 0,30
	— — — — — Other	1602 49 19 9190	(a) animal protein content by weight: minimum 8 % of net weight (b) collagen/protein ratio: maximum 0,45

ANNEX II

Methods of analysis ⁽¹⁾1. *Determination of protein content*

The protein content is taken to mean the nitrogen content multiplied by the factor 6,25. The nitrogen content must be determined according to ISO method 937-1978.

2. *Determination of water content in products falling within headings 1601 and 1602 of the combined nomenclature*

The water content must be determined according to ISO method 1442-1973.

3. *Calculation of extraneous water content*

The extraneous water content is given by the formula: $a - 4b$, in which:

a = water content,

b = protein content.

4. *Determination of collagen content*

The collagen content is taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

⁽¹⁾ The methods of analysis referred to in this Annex are those applying on the date of entry into force of this Regulation, without prejudice to any subsequent amendment to such methods. They are published by the ISO Secretariat, 1 Rue de Varembe, Geneva, Switzerland.

**COMMISSION REGULATION (EC) No 2332/97
of 25 November 1997**

**amending for the fifth time Regulation (EC) No 913/97 adopting exceptional
support measures for the market in pigmeat in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 20 thereof,

Whereas because of the outbreak of classical swine fever in certain production regions in Spain, exceptional support measures for the market in pigmeat in that Member State were adopted by Commission Regulation (EC) No 913/97⁽³⁾, as last amended by Regulation (EC) No 2175/97⁽⁴⁾;

Whereas, because of the persistence of classical swine fever in Spain, it is appropriate to reduce the minimum weight of eligible pigs for fattening thus reducing expenditure on this measure and the volume of pigs to be processed in rendering plants;

Whereas, with a view to assuring sound financial management of the support measures, it is necessary to introduce a ceiling for the aid for fattening pigs weighing more than 110 kilograms in order to avoid any abuse of the support measures by a too long and unjustified fattening period;

Whereas the aid granted for the delivery of piglets should be adjusted to the current market situation, taking account of the fall in prices;

Whereas the list of eligible areas in Annex II to Regulation (EC) No 913/97 should be amended to reflect the current veterinary situation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. in Articles 1 (1) and 4 (1) and (2), '100 kilograms' is replaced by '90 kilograms';
2. in Article 4 (2), '90 kilograms' is replaced by '80 kilograms';
3. in Article 4 (4), 'ECU 60', 'ECU 52' and 'ECU 43' are replaced by 'ECU 50', 'ECU 44' and 'ECU 37' respectively;
4. in Article 4, the following paragraph is added:

 '6. For fattening pigs weighing more than 110 kilograms on average, the aid can not be higher than the aid fixed pursuant to paragraph 1 for fattening pigs weighing 110 kilograms on average.';
5. Annex II is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the day 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, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 298, 1. 11. 1997, p. 60.

*ANNEX**ANNEX II*

In the province of Lleida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat de Catalunya* of 20 October 1997, published in the Official Journal of the *Generalitat* of 24 October 1997, p. 12077 and of 23 October 1997, published in the Official Journal of the *Generalitat* of 3 November 1997, p. 12394.

COMMISSION REGULATION (EC) No 2333/97**of 25 November 1997****amending Regulation (EEC) No 3846/87 as regards the pigmeat sector in the
agricultural product nomenclature for export refunds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 13 (12) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1490/97 ⁽⁴⁾, has established an agricultural product nomenclature for export refunds; whereas the nomenclature must be amended so as to limit grants of the export refund in respect of certain processed products within headings 16 01 and 16 02 to products that do not contain poultrymeat; whereas the nomenclature should also be simplified by removing those products for which refunds are no longer granted;

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

Article 1

Sector 6 of the Annex to Regulation (EEC) No 3846/87 is amended as follows:

1. The data relating to CN codes 16 01 and 16 02 are hereby replaced by those in the Annex hereto.
2. The chapter 19 codes are deleted.
3. Footnote 5 is deleted.
4. Footnote 8 is replaced by the following:

'(8) Grant of the refund is subject to compliance with the conditions laid down in Commission Regulation (EC) No 2331/97 (OJ L 323, 26. 11. 1997, p. 19). At the time of the conclusion of custom export formalities, the exporter shall declare in writing that the products in question fulfil those conditions.'

Article 2

This Regulation shall enter into force on 1 December 1997.

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

Done at Brussels, 25 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 202, 30. 7. 1997, p. 24.

ANNEX

CN code	Description of goods	Product code
ex 1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on those products:	
ex 1601 00 10	— Of liver ⁽⁶⁾	1601 00 10 9100
	— Other ⁽⁶⁾ :	
ex 1601 00 91	— — Sausages, dry or for spreading, uncooked ⁽⁷⁾ ⁽⁶⁾	1601 00 91 9100
ex 1601 00 99	— — Other ⁽⁷⁾ ⁽⁶⁾ :	
	— — — Not containing the meat or offal of poultry	1601 00 99 9110
	— — — Other	1601 00 99 9100
ex 1602	Other prepared or preserved meat, meat offal or blood:	
	— Of swine:	
ex 1602 41	— — Hams and cuts thereof:	
ex 1602 41 10	— — — Of domestic swine ⁽⁷⁾ :	
	— — — — Cooked, containing by weight 80 % or more of meat and fat ⁽⁸⁾ ⁽⁹⁾	1602 41 10 9210
ex 1602 42	— — Shoulders and cuts thereof:	
ex 1602 42 10	— — — Of domestic swine ⁽⁷⁾ :	
	— — — — Cooked, containing by weight 80 % or more of meat and fat ⁽⁸⁾ ⁽⁹⁾	1602 42 10 9210
ex 1602 49	— — Other, including mixtures:	
	— — — Of domestic swine:	
	— — — — Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin:	
ex 1602 49 19	— — — — — Other ⁽⁷⁾ ⁽⁸⁾ ⁽¹⁰⁾	
	— — — — — Cooked:	
	— — — — — — Not containing the meat or offal of poultry	1602 49 19 9120
	— — — — — — Other	1602 49 19 9190

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 November 1997

appointing a member of the Economic and Social Committee

(97/791/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 194 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 26 September 1994 appointing the members of the Economic and Social Committee for the period up to 20 September 1998⁽¹⁾,

Whereas a seat as a member of that committee has fallen vacant following the resignation of Mr Henri Bordes-Pages, of which the Council was notified on 21 January 1997;

Having regard to the nominations submitted by the French Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Claude Cambus is hereby appointed a member of the Economic and Social Committee in place of Mr Henri Bordes-Pages for the remainder of the latter's term of office, which runs until 20 September 1998.

Done at Brussels, 20 November 1997.

For the Council

The President

E. HENNICOT-SCHOEPGES

⁽¹⁾ OJ L 257, 5. 10. 1994, p. 20.

COUNCIL DECISION
of 20 November 1997
appointing a member of the Economic and Social Committee
(97/792/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 194 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 26 September 1994 appointing the members of the Economic and Social Committee for the period up to 20 September 1998 ⁽¹⁾,

Whereas a seat as a member of that Committee has fallen vacant following the death of Mr Richard Pickering, of which the Council was notified on 25 October 1996;

Having regard to the nominations submitted by the United Kingdom Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Helen McGrath is hereby appointed a member of the Economic and Social Committee in place of Mr Richard Pickering for the remainder of the latter's term of office, which runs until 20 September 1998.

Done at Brussels, 20 November 1997.

For the Council

The President

E. HENNICOT-SCHOEPGES

⁽¹⁾ OJ L 257, 5. 10. 1994, p. 20.

COMMISSION

COMMISSION DECISION

of 15 July 1997

ordering Germany to provide all documentation, information and data on the restructuring of SHB Stahl- und Hartgußwerke Bösdorf AG, Saxony, and on the aid granted to it

(C 9/97 ex NN 2/97 and N 645/96)

(Only the German text is authentic)

(Text with EEA relevance)

(97/793/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 5, 92 and 93 thereof, and to the Agreement establishing the European Economic Area, and in particular Articles 61 and 62 thereof,

Whereas:

On 12 June 1996 the Commission decided not to raise any objection to the aid notified in connection with the restructuring of the company Stahl- und Hartgußwerke Bösdorf AG ('SHB')⁽¹⁾. The aid is restructuring aid amounting to DM 5 million provided by the Consolidation Fund of Saxony in the form of a five-year equity holding.

On 19 August 1996 Germany notified further restructuring aid for SHB. The new notification related to the following two measures taken by the Bundesanstalt für vereinigungsbedingte Sonderaufgaben ('BvS') for SHB: a non-repayable grant amounting to DM 4,5 million for 1996 and a deferral of redemption payments on a DM 1,5 million loan. By letter D/52537 of 11 September 1996 the Commission requested additional information. By letter dated 14 November 1996 (registered under A/38134) Germany informed the Commission that the insolvency proceedings requested by SHB on 18 October 1996 had been initiated and confirmed that the relevant aid had already been granted in the first quarter of 1996. The aid had therefore been granted without the Commission having been informed of the fact and at a time when it was still examining the aid approved under the decision

of 12 June 1996. The Commission therefore entered the aid in the register of unnotified aid (NN 2/97), and the aid must be regarded as unlawful.

On 5 February 1997 the Commission decided to initiate Article 93 (2) proceedings in respect of all the restructuring measures for SHB. On 31 May 1997 the initiation of proceedings was published in the *Official Journal of the European Communities*⁽²⁾.

In the letter informing Germany of the initiation of the proceedings (letter D/1420 of 25 February 1997), Germany was called upon by the Commission to take forthwith the necessary steps to enter the BvS's claim on the list of creditors in the insolvency proceedings. This was done in respect of the second aid instalment granted by the BvS. The equity participation by the Saxon Consolidation Fund initially scheduled for five years was withdrawn on 22 October 1996.

Germany answered by letter dated 7 April 1997. The Commission had, in connection with the initiation of proceedings, requested more detailed information on the restructuring plan, which was a precondition for the second grant of aid, and on the implementation of the plan on which the Commission's first decision was based. The answers are still not complete and do not contain the details requested.

On 29 April 1997 Germany sent the Commission an annual report on the implementation of the restructuring plan for the first grant of aid. The report is incomplete and does not contain any information on the implementation of the original plan.

⁽¹⁾ State aid No N 743/95, letter D/5958 of 28 June 1996.

⁽²⁾ OJ C 165, 31. 5. 1997, p. 10.

In view of the above considerations and by virtue of the judgment of the Court of Justice of the European Communities of 14 February 1990 in Case C-301/87 (Boussac)⁽¹⁾, upheld in its judgment of 13 April 1994 in Joined Cases C-324/90 and C-342/90 (Pleuger Worthington)⁽²⁾ in respect of an infringement of Article 93 (3) of the EC Treaty, the Commission has the power to require the relevant Member State, in this instance Germany, to provide all such information and data as are necessary in order that it may examine the compatibility of the aid with the common market. This also applies where the Commission has already approved aid, but, because of doubts as to the data on which the Commission's decision was based, has initiated proceedings,

HAS ADOPTED THIS DECISION:

Article 1

Germany shall, within two weeks of notification of this Decision, provide all the documents, information and data which are necessary to enable the Commission to assess the compatibility of all the restructuring aid for Stahl- und Hartgußwerke Bösdorf AG with Article 92 of the EC Treaty. This information shall include in particular the following details:

- the state of progress in the implementation of the original restructuring plan relating to the first grant of

aid, which was the subject of the Commission decision of 12 June 1996,

- the reasons and the economic circumstances which prompted the BvS to grant additional aid,
- the restructuring plan which, because of the difficulties which had led to the additional aid, had been adjusted, and the state of progress of implementation of this second plan,
- the situation regarding the insolvency proceedings.

Germany may provide any other information it considers relevant to the assessment of the matter.

Should Germany not reply or should the information provided be incomplete, the Commission will take a final decision on the basis of the information currently available to it.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 15 July 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ [1990] ECR, p. I-307.

⁽²⁾ [1994] ECR, p. I-1173.

COMMISSION DECISION

of 12 November 1997

laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries

(Text with EEA relevance)

(97/794/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by Directive 96/43/EC⁽²⁾, and in particular Articles 4 (5), 5, second paragraph, 7 (2) and 8 (B) thereof,

Whereas Commission Decision 92/424/EEC⁽³⁾ lays down certain detailed rules for the application of Directive 91/496/EEC as regards identity checks on animals from third countries;

Whereas Commission Decision 92/432/EEC⁽⁴⁾ lays down certain conditions under which a derogation may be made from the principle of individual clinical examination of animals entering the Community from third countries;

Whereas Commission Decision 92/527/EEC⁽⁵⁾ lays down the model for the certificate referred to in Article 7 (1) of Directive 91/496/EEC;

Whereas it is appropriate to lay down in a single act common procedures, including documentary, identity and physical checks, for animals at Community border inspection posts;

Whereas it is appropriate for the checks to include controls on compliance with Council Directive 91/628/EEC⁽⁶⁾, as last amended by Council Directive 95/29/EC⁽⁷⁾, in respect of the protection of the animals during transport;

Whereas in order to be able to carry out the veterinary checks satisfactorily, it is necessary to unload all animals at the border inspection post;

Whereas the procedure should include a clinical examination of each animal without prejudice to specified derogations; whereas it is appropriate to sample a proportion of animals at border inspection posts in order to check compliance with the requirements of the health certificate;

Whereas Decisions 92/424/EEC and 92/432/EEC should be repealed;

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

HAS ADOPTED THIS DECISION:

Article 1

The documentary, identity and physical checks provided for in Directive 91/496/EEC shall be carried out in accordance with the provisions of this Decision.

Article 2

The documentary check shall be carried out in accordance with the rules laid down in Annex I.

Article 3

1. Identity checks shall be carried out on each animal in a consignment.

2. By way of derogation from paragraph 1, identity checks may be carried out on 10 % of the animals in a consignment, with a minimum of 10 animals representative of the whole consignment checked per consignment, where the consignment contains a large number of animals.

The number of animals checked must be increased and may reach the totality of the animals concerned, if the initial checks carried out have not been satisfactory.

3. By way of derogation from paragraph 1, for animals for which individual marking is not provided for by Community rules, identity checks must at least consist of a check on the marking of a representative number of packages and/or containers.

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 232, 14. 8. 1992, p. 34.

⁽⁴⁾ OJ L 237, 20. 8. 1992, p. 29.

⁽⁵⁾ OJ L 332, 18. 11. 1992, p. 22.

⁽⁶⁾ OJ L 340, 11. 12. 1991, p. 17.

⁽⁷⁾ OJ L 148, 30. 6. 1995, p. 52.

The number of packages and/or containers checked must be increased and may reach the totality of the packages and/or containers concerned, if the initial checks carried out have not been satisfactory.

The identity check shall consist of a visual check of the animals contained in a representative number of packages and/or containers, for the verification of the species thereof.

Article 4

1. The official veterinarian shall carry out the physical check provided for in Article 4 (2) of Directive 91/496/EEC on live biungulate animals and equidae, by ensuring in particular that all such animals are unloaded at the border inspection post in his presence.

2. The animals shall be subject to an inspection regarding their fitness to travel and to a clinical examination, which may include the collection of samples. Those examinations and the collection of samples shall be carried out in accordance with the provisions of Annex II.

3. The samples shall be sent to a laboratory approved by the competent authority to check on compliance with the requirements of the veterinary certificate.

4. For each animal sampled, the following information shall be recorded:

- reference number of the veterinary certificate and serial number given by the border inspection post to the consignment,
- identification number of the animal,
- laboratory test requested,
- result of the test and any follow-up action taken,
- complete address of the final destination of the consignment.

5. The clinical examination referred to in paragraph 2 shall consist of a visual examination of all of the animals.

Animals intended for breeding or production shall also be subjected to a clinical examination, as laid down in Annex II to this Decision, of at least 10 % of the animals with a minimum of 10 animals, which must be selected so as to be representative of the whole consignment. Where the consignment contains fewer than 10 animals, the checks must be carried out on each animal in the consignment.

Animals intended for slaughter shall also be subjected to a clinical examination, as laid down in Annex II to this Decision, of at least 5 % of the animals with a minimum of five animals, which must be selected so as to be representative of the whole consignment. Where the

consignment contains fewer than five animals, the checks must be carried out on each animal in the consignment.

The number of animals checked must be increased and may reach the totality of the animals concerned, if the initial checks carried out have not been satisfactory.

6. Member States shall only detain the consignment of animals in the border inspection post while awaiting the results of the laboratory checks in cases of suspicion.

7. The results of the checks, together with the information referred to in paragraph 4, shall be communicated to the Commission every six months on a routine basis or immediately by fax both to the Member State of destination and the Commission in the case of positive sampling results or where otherwise justified. In the case of positive sampling results, copies of the veterinary certificate(s) must be sent as soon as possible to the Member State of destination and the Commission.

Article 5

1. The animals listed below need not be subjected to individual clinical examination:

- poultry,
- birds,
- aquaculture animals, including all live fish,
- rodents,
- lagomorphs,
- bees and other insects,
- reptiles and amphibians,
- other invertebrates,
- certain zoo and circus animals, including biungulates and equidae, considered to be dangerous,
- fur animals.

2. For the animals listed in paragraph 1, clinical examination shall consist of observations of the state of health and behaviour of the entire group or of a representative number of animals. The number of animals checked shall be increased if the initial checks carried out have not been satisfactory. If the abovementioned checks reveal an anomaly, a more rigorous examination shall be carried out, including sampling where appropriate.

3. In the case of live fish, crustaceans and molluscs, and animals destined for scientific research centres having a certified specific health status, contained in sealed containers under controlled environmental conditions, a clinical examination and sampling shall be carried out only where it is considered that a specific risk may exist because of the species involved or their origin, or where there are other irregularities.

Article 6

1. For each consignment, the official veterinarian of the border inspection post shall provide to the person concerned an authenticated copy of the original veterinary certificate(s) or other original veterinary document(s) accompanying the consignment, together with the certificate as laid down in Decision 92/527/EEC. They must be annotated with the serial certificate number given to the consignment by the border inspection post.

2. The official veterinarian shall retain the original veterinary certificate(s) or original veterinary document(s) accompanying the consignment as well as a copy of the certificate as laid down in Decision 92/527/EEC.

3. For each consignment, the following information shall be recorded and kept at the border inspection post:

- the serial certificate number given to the consignment concerned by the border inspection post,
- the date of arrival of the consignment concerned at the border inspection post,
- the size of the consignment,
- the species and category of use of the animals, and age where applicable,
- the reference number of the certificate,
- the third country of origin,
- the Member State of destination,
- the decision concerning the consignment,
- reference to sampling where carried out.

4. In the case of registered equidae, as referred to in Article 2 (c) of Council Directive 90/426/EEC⁽¹⁾, the identification document shall not be retained, and in the particular case of temporary admission of those equidae the original health certificate shall not be retained.

5. In the case of equidae for slaughter which are intended to pass through a market or marshalling centre,

the certificate as laid down in Decision 92/527/EEC, as well as an authenticated copy of the original health certificate, must accompany the equidae to the slaughterhouse.

6. All veterinary certificates or other veterinary document relating to consignments which have been rejected at the border inspection post must be stamped on each page with the word 'REJECTED' in red as laid down in Annex III.

7. The official veterinarian shall retain the certificates or other veterinary documents accompanying the consignment, the copy of the certificate as laid down in Decision 92/527/EEC and the records referred to in Article 4 of this Decision and paragraph 3 of this Article for at least three years.

Article 7

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 8

Decisions 92/424/EEC and 92/432/EEC are hereby repealed.

Article 9

This Decision shall apply from 1 January 1998.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 42.

*ANNEX I***Detailed rules for documentary checks on live animals from third countries**

1. Each certificate which accompanies a consignment of live animals originating in a third country must be inspected in order to confirm:
 - (a) that it is an original certificate made out in the language of the country of origin and that it is drawn up in at least one of the official languages of the Member States of the border inspection post and of the final destination;
 - (b) that it refers to a third country or part of a third country authorized to export to the Community;
 - (c) that its presentation and content correspond to the specimen drawn up for the live animal and third country concerned;
 - (d) that it consists of a single sheet of paper;
 - (e) that it has been fully completed;
 - (f) that the date of issue of the certificate relates to that of the loading of the live animals for their dispatch towards the Community;
 - (g) that it is made out to a single recipient;
 - (h) that it is signed by the official veterinarian, or where appropriate the representative of the official authority, and shows legibly and in capitals, his name and position, and also where required that the official stamp of the third country and the signature are in a different colour to that of the printing of the certificate;
 - (i) the certificate is not amended except by deletions which must be signed and stamped by the certifying veterinarian.
 2. The competent authority must check the written undertaking and the route plan from the external border to the final destination where required to be supplied by the transporter under Directive 91/628/EEC. The written undertaking and the route plan shall be drawn up in at least one of the official languages of the Member States of the border inspection post and of the final destination.
-

*ANNEX II***Minimum requirements for individual inspection regarding the fitness of the animals to travel, clinical examination and sampling procedures, of biungulate animals and equidae at border inspection posts***I. Inspection regarding the fitness of the animals to travel*

In addition to the clinical examination detailed below, an assessment of the animal's fitness for further transport must be made. This assessment shall take account of the length of the journey already undertaken, including the feeding, watering and resting arrangements that had been provided. It shall also take account of the length of the journey that remains to be undertaken including the proposed feeding, watering and resting arrangements during this part of the journey.

The means of transport of the animal must be checked for compliance with the relevant provisions of Directive 91/628/EEC.

II. Clinical examination

The clinical examination shall comprise at least the following:

1. a visual examination of the animal, including an overall assessment of its health status, its ability to move freely, the condition of its skin and mucosae and any evidence of abnormal discharges;
2. monitoring of the respiratory and alimentary systems;
3. random monitoring of the body temperature. This need not be carried out on animals when no abnormalities have been detected under points 1 or 2;
4. palpation is only required when abnormalities have been detected under points 1, 2 or 3.

III. Sampling procedure

Sampling shall be undertaken with a view to checking on compliance with the health requirements laid down in the accompanying veterinary certificate.

1. At least 3 % of the consignments shall be subject to a serological sampling on a monthly basis. At least 10 % of the animals of the consignment shall be sampled, with a minimum of four animals. If problems are found, that percentage must be increased.
 2. The official veterinarian may also take any other samples from animals in a consignment.
-

ANNEX III

Model of rejection stamp as laid down in Article 6 (6):

R E J E C T E D

COMMISSION DECISION

of 12 November 1997

accepting the application by the Italian Republic on the time limit for paying
the advance aid to industrial tomato processors

(Only the Italian text is authentic)

(97/795/EC)

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

Having regard to Commission Regulation (EC) No 504/97
of 19 March 1997 laying down detailed rules for the
application of Council Regulation (EC) No 2201/96 as
regards the system of production aid for products
processed from fruit and vegetables⁽¹⁾, as amended by
Regulation (EC) No 1491/97⁽²⁾, and in particular Article
13 (2) thereof,

Whereas Article 13 (2) of Regulation (EC) No 504/97 lays
down that, at the request of a Member State, the time
limit by which the competent body must pay the advance
aid may be extended, with the agreement of the Commis-
sion, from 30 to 45 days where, for duly justified reasons
of verification, the shorter time limit cannot be met;

Whereas Italy, on the basis of various information notified
to the Commission regarding the need for controls on its
territory has asked to benefit from this provision for the
1997/98, 1998/99 and 1999/2000 marketing years;
whereas, having studied the said information, it would
appear necessary to accept the application made by Italy;

Whereas this authorization is valid for the 1997/98,
1998/99 and 1999/2000 marketing years, provided that

the conditions relating to controls in Italy remain
unchanged,

HAS ADOPTED THIS DECISION:

Article 1

1. The Italian Republic is hereby allowed to apply the
provision in the fourth subparagraph of Article 13 (2) of
Regulation (EC) No 504/97.
2. This authorization is valid for the 1997/98, 1998/99
and 1999/2000 marketing years as long as the relevant
conditions relating to controls remain unchanged.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 78, 20. 3. 1997, p. 14.

⁽²⁾ OJ L 202, 30. 7. 1997, p. 27.

COMMISSION DECISION**of 17 November 1997**

concerning the conclusion on behalf of the European Coal and Steel Community and the European Atomic Energy Community of the Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Kyrgyz Republic, of the other part, on trade and trade-related matters

(Text with EEA relevance)

(97/796/ECSC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Company, and in particular the first paragraph of Article 95 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Whereas, pending the entry into force of the Partnership and Cooperation Agreement signed in Brussels on 9 February 1995, it is necessary to approve the Interim Agreement signed in Brussels on 28 November 1996 between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Kyrgyz Republic, of the other part, on trade and trade-related matters;

Whereas the conclusion of the Interim Agreement is necessary to attain the objectives of the Community set out in Articles 2 and 3 of the Treaty establishing the European Coal and Steel Community and whereas the Treaty did not make provision for all the cases covered by this Decision,

Having consulted the Consultative Committee and with the assent of the Council, given on 22 July 1997,

HAS DECIDED AS FOLLOWS:

Article 1

The Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Kyrgyz Republic, of the other part, on trade and trade-related matters, together with the Protocol and the declarations, is hereby approved on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

These texts are attached to this Decision⁽¹⁾.

Article 2

The President of the Commission shall give the notification provided for in Article 33 of the Interim Agreement on behalf of the European Coal and Steel Community and the European Atomic Energy Community.

Done at Brussels, 17 November 1997.

For the Commission

The President

Jacques SANTER

⁽¹⁾ OJ L 235, 26. 8. 1997, p. 3.