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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 2363/97 of 28 November 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 2364/97 of 28 November 1997 fixing the import duties in the cereals sector.....	3
Commission Regulation (EC) No 2365/97 of 28 November 1997 altering the export refunds on white sugar and raw sugar exported in the natural state	6
Commission Regulation (EC) No 2366/97 of 28 November 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state	8
Commission Regulation (EC) No 2367/97 of 28 November 1997 determining the world market price for unginned cotton and the rate for the aid.....	11
Commission Regulation (EC) No 2368/97 of 28 November 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid.....	13
Commission Regulation (EC) No 2369/97 of 28 November 1997 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands	15
Commission Regulation (EC) No 2370/97 of 28 November 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira	17
Commission Regulation (EC) No 2371/97 of 28 November 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments	19

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(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 2372/97 of 28 November 1997 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands	21
Commission Regulation (EC) No 2373/97 of 28 November 1997 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira	23
Commission Regulation (EC) No 2374/97 of 28 November 1997 fixing the corrective amount applicable to the refund on cereals	25
Commission Regulation (EC) No 2375/97 of 28 November 1997 fixing the corrective amount applicable to the refund on malt	27
Commission Regulation (EC) No 2376/97 of 28 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	29
Commission Regulation (EC) No 2377/97 of 28 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	30
Commission Regulation (EC) No 2378/97 of 28 November 1997 fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2097/97	31
Commission Regulation (EC) No 2379/97 of 28 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	32
Commission Regulation (EC) No 2380/97 of 28 November 1997 fixing the maximum buying-in price and the quantities of beef to be bought in under the 193rd partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89	33
* Commission Regulation (EC) No 2381/97 of 28 November 1997 amending Regulation (EEC) No 2999/92 laying down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and to determine the forecast supply balance for the period 1 July 1997 to 30 June 1998	34
* Commission Regulation (EC) No 2382/97 of 28 November 1997 opening tariff quotas under one year for imports of rice originating in the United States of America as provided for in Council Regulation (EC) No 1522/96	36
* Commission Regulation (EC) No 2383/97 of 28 November 1997 amending Regulation (EC) No 1273/97 establishing a forecast balance for the supply to the Azores and Madeira of cereal products covered by the specific measures provided for in Articles 2 to 10 of Council Regulation (EEC) No 1600/92	41
Commission Regulation (EC) No 2384/97 of 28 November 1997 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty	43

Commission Regulation (EC) No 2385/97 of 28 November 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty	46
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Commission Regulation (EC) No 2386/97 of 28 November 1997 altering the export refunds on cereals and on wheat or rye flour, groats and meal	48
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II *Acts whose publication is not obligatory*

Council

97/803/EC:

- ★ **Council Decision of 24 November 1997 amending at mid-term, Decision 91/482/EEC on the association of the overseas countries and territories with the European Economic Community** 50

Information on the entry into force of the Convention on Temporary Admission and accepting its Annexes	69
---	-----------

Commission

97/804/EC:

- ★ **Commission Decision of 21 November 1997 amending Decision 93/73/EEC concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia ⁽¹⁾** 70

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2363/97

of 28 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 29 November
1997.

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

Done at Brussels, 28 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 28 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	49,0
	999	49,0
0709 10 40	220	107,8
	999	107,8
0709 90 79	052	96,3
	999	96,3
0805 20 31	052	72,8
	204	65,5
	999	69,2
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	63,0
	400	50,5
	999	56,8
0805 30 40	052	89,5
	600	82,2
	999	85,8
0808 10 92, 0808 10 94, 0808 10 98	052	42,6
	060	47,1
	064	41,7
	400	89,5
	404	84,9
	800	107,0
0808 20 67	999	68,8
	052	114,7
	064	82,7
	400	94,5
	999	97,3

⁽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 2364/97
of 28 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 1 December 1997.

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

Done at Brussels, 28 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	35,80	25,80
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	35,80	25,80
	medium quality	53,62	43,62
	low quality	63,12	53,12
1002 00 00	Rye	76,71	66,71
1003 00 10	Barley, seed	76,71	66,71
1003 00 90	Barley, other ⁽³⁾	76,71	66,71
1005 10 90	Maize seed other than hybrid	80,57	70,57
1005 90 00	Maize other than seed ⁽³⁾	80,57	70,57
1007 00 90	Grain sorghum other than hybrids for sowing	76,71	66,71

⁽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 14 November 1997 to 26 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)	122,01	114,45	110,23	94,83	211,71 (1)	97,59 (1)
Gulf premium (ECU/tonne)	—	16,67	11,39	9,34	—	—
Great Lakes premium (ECU/tonne)	16,49	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,10 per tonne; Great Lakes — Rotterdam: ECU 23,54 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).

COMMISSION REGULATION (EC) No 2365/97
of 28 November 1997
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2293/97 ⁽³⁾, as amended by Regulation (EC) No 2337/97 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2293/97 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2293/97 are hereby altered to the amounts shown in the Annex hereto.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 316, 20. 11. 1997, p. 3.

⁽⁴⁾ OJ L 324, 27. 11. 1997, p. 16.

ANNEX

to the Commission Regulation of 28 November 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,59 ⁽¹⁾
1701 11 90 9910	32,93 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,59 ⁽¹⁾
1701 12 90 9910	32,93 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3978
	— ECU/100 kg —
1701 99 10 9100	39,78
1701 99 10 9910	39,78
1701 99 10 9950	39,78
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3978

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 2366/97

of 28 November 1997

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed

and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 28 November 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	39,78 ⁽²⁾
1702 60 10 9000	39,78 ⁽²⁾
1702 60 90 9200	75,58 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 9800	0,3978 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	39,78 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,3978 ⁽¹⁾
1702 90 71 9000	0,3978 ⁽¹⁾
1702 90 99 9900	0,3978 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	39,78 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,3978 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 2367/97

of 28 November 1997

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1740/97⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97⁽⁶⁾ determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 36,161 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 31,233 per 100 kilograms in Spain,
- ECU 37,292 per 100 kilograms in Greece,
- ECU 70,139 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 1 December 1997.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 244, 6. 9. 1997, p. 1.

⁽⁶⁾ OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2368/97

of 28 November 1997

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁴⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in

Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

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, 28 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 28 November 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	13,00
1002 00 00 9000	27,00
1003 00 90 9000	17,00
1004 00 00 9400	23,00
1005 90 00 9000	25,00
1006 30 92 9100	203,00
1006 30 92 9900	203,00
1006 30 94 9100	203,00
1006 30 94 9900	203,00
1006 30 96 9100	203,00
1006 30 96 9900	203,00
1006 30 98 9100	203,00
1006 30 98 9900	203,00
1006 40 00 9000	—
1007 00 90 9000	25,00
1101 00 15 9100	13,00
1101 00 15 9130	13,00
1102 20 10 9200	28,06
1102 20 10 9400	24,05
1102 30 00 9000	—
1102 90 10 9100	24,14
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	36,07
1103 14 00 9000	—
1104 12 90 9100	32,96
1104 21 50 9100	32,18

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2369/97**of 28 November 1997****amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2162/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 298, 1. 11. 1997, p. 33.

ANNEX

to the Commission Regulation of 28 November 1997 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	16,00
Barley	(1003 00 90)	20,00
Maize	(1005 90 00)	28,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	26,00

COMMISSION REGULATION (EC) No 2370/97
of 28 November 1997
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2163/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 298, 1. 11. 1997, p. 35.

ANNEX

to the Commission Regulation of 28 November 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

<i>(Ecu/tonne)</i>			
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	16	16
Barley	(1003 00 90)	20	20
Maize	(1005 90 00)	28	28
Durum wheat	(1001 10 00)	8	8

COMMISSION REGULATION (EC) No 2371/97**of 28 November 1997****amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 2164/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex;

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 Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 298, 1. 11. 1997, p. 37.

ANNEX

to the Commission Regulation of 28 November 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	19,00	19,00	19,00	22,00
Barley (1003 00 90)	23,00	23,00	23,00	26,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2372/97

of 28 November 1997

setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agriculturalconversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁸⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.
⁽³⁾ OJ L 296, 17. 11. 1994, p. 23.
⁽⁴⁾ OJ L 304, 29. 11. 1994, p. 18.
⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.
⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 28 November 1997 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

Product (CN code)	(ECU/tonne)	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	201,00	
Broken rice (1006 40)	44,00	

COMMISSION REGULATION (EC) No 2373/97

of 28 November 1997

setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products⁽⁵⁾, as last amended by Regulation (EC) No 1683/94⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as last

amended by Regulation (EC) No 150/95⁽⁸⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁹⁾, as last amended by Regulation (EC) No 1482/96⁽¹⁰⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.
⁽³⁾ OJ L 179, 1. 7. 1992, p. 6.
⁽⁴⁾ OJ L 238, 23. 9. 1993, p. 24.
⁽⁵⁾ OJ L 198, 17. 7. 1992, p. 37.
⁽⁶⁾ OJ L 178, 12. 7. 1994, p. 53.
⁽⁷⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ L 22, 31. 1. 1995, p. 1.
⁽⁹⁾ OJ L 108, 1. 5. 1993, p. 106.
⁽¹⁰⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 28 November 1997 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	201,00	201,00

COMMISSION REGULATION (EC) No 2374/97
of 28 November 1997
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

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

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 28 November 1997 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

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

COMMISSION REGULATION (EC) No 2375/97

of 28 November 1997

fixing the corrective amount applicable to the refund on malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 28 November 1997 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period 6	7th period 7	8th period 8	9th period 9	10th period 10	11th period 11
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

COMMISSION REGULATION (EC) No 2376/97**of 28 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 24 to 27 November 1997 at ECU 192 per tonne.

Article 2

This Regulation shall enter into force on 29 November 1997.

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

Done at Brussels, 28 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 2377/97

of 28 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 24 November to 27 November 1997 at ECU 189 per tonne.

Article 2

This Regulation shall enter into force on 29 November 1997.

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

Done at Brussels, 28 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 2378/97
of 28 November 1997

**fixing the maximum export refund on wholly milled long grain rice in
connection with the invitation to tender 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 pursuant to 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 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 Management Committee for Cereals has not
delivered an opinion within the time limit set by its
chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain
rice falling within CN code 1006 30 67 to be exported to
certain third countries pursuant to the invitation to tender
issued in Regulation (EC) No 2097/97 is hereby fixed on
the basis of the tenders submitted from 24 to 27
November 1997 at ECU 354 per tonne.

Article 2

This Regulation shall enter into force on 29 November
1997.

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

Done at Brussels, 28 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 2379/97
of 28 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 24 to 27 November 1997 at ECU 167 per tonne.

Article 2

This Regulation shall enter into force on 29 November 1997.

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

Done at Brussels, 28 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 2380/97
of 28 November 1997

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 193rd 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 2321/97⁽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 2302/97⁽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, once tenders submitted in respect of the 193rd 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;

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

No action shall be taken on the 193rd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89.

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, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 322, 25. 11. 1997, p. 25.

⁽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 319, 21. 11. 1997, p. 10.

COMMISSION REGULATION (EC) No 2381/97
of 28 November 1997

amending Regulation (EEC) No 2999/92 laying down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and to determine the forecast supply balance for the period 1 July 1997 to 30 June 1998

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas the quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows;

Whereas Commission Regulation (EEC) No 2999/92⁽³⁾, as last amended by Regulation (EC) No 1272/97⁽⁴⁾, lays down detailed rules for the application of the specific measures for the supply of processed fruit and vegetables to Madeira and the forecast balance fixing the quantities eligible for the specific supply arrangements for the period from 1 July to 31 December 1997;

Whereas, pending a communication from the competent authorities updating the requirements of Madeira, and so as not to interrupt application of the specific supply arrangements, the balance was drawn up for the period 1 July to 31 December 1997 by Regulation (EC) No 1272/97; whereas as a result of the presentation by the Portuguese authorities of information on the needs of

Madeira, it was possible to establish the balance for the entire 1997/98 marketing year; whereas the Annex to Regulation (EEC) No 2999/92 should thus be replaced by the Annex to this Regulation;

Whereas the supply arrangements are laid down for the period 1 July to 30 June; whereas the definitive supply balance for the 1997/98 marketing year should therefore apply from the start of that year, i.e. 1 July 1997;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2999/92 is replaced by the Annex to this Regulation.

Article 2

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 July 1997.

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

Done at Brussels, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 301, 17. 10. 1992, p. 7.

⁽⁴⁾ OJ L 174, 2. 7. 1997, p. 41.

ANNEX

Forecast supply balance covering processed fruit and vegetable products for Madeira for the period 1 July 1997 to 30 June 1998

(tonnes)		
CN code	Description	Quantity
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	
2008 20	– Pineapples	300
2008 30	– Citrus fruit	40
2008 40	– Pears	80
2008 60	– Cherries	60
2008 70	– Peaches	400
	– Other, including mixtures other than those of subheading 2008 19:	
2008 92	– – Mixtures	50
2008 99	– – Other than palm hearts and mixtures	30
Total		960

**COMMISSION REGULATION (EC) No 2382/97
of 28 November 1997**

**opening tariff quotas under one year for imports of rice originating in the
United States of America as provided for in Council Regulation (EC) No 1522/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Quota order number 09.4077.

Having regard to the Treaty establishing the European Community,

Article 2

Having regard to Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV.6 consequent upon the accession of Austria, Finland and Sweden to the European Union⁽¹⁾, and in particular Article 5 thereof,

1. Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days following the entry into force of this Regulation.

2. Licence applications in respect of the quantities for which no application for licences was made during the period laid down in paragraph 1 may be lodged during a further period beginning 20 working days after the date of publication of this Regulation and expiring five working days later.

Whereas Council Regulation (EC) No 1522/96⁽²⁾, as amended by Commission Regulation (EC) No 112/97⁽³⁾, provides for the opening of tariff quotas for imports of rice from the United States of America; whereas, however, the opening of two of those quotas was postponed until the consultations with the United States of America were brought to an end; whereas, without waiting for those consultations to be concluded, with the agreement of the exporting country, two tariff quotas should be opened under one year for imports of milled or semi-milled rice and husked rice;

Article 3

1. Notwithstanding Article 10 of Regulation (EC) No 1162/95, the security for the import licences shall be:

— ECU 46 per tonne for the quota provided for in Article 1 (a),

— ECU 22 per tonne for the quota provided for in Article 1 (b).

Whereas special rules should be adopted for managing those tariff quotas;

2. The country of origin shall be entered in Section 8 of licence applications and of the import licences and the word 'yes' shall be marked with a cross.

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

3. Section 24 of the licences shall bear one of the following entries:

HAS ADOPTED THIS REGULATION:

(a) in the case of the quota referred to in Article 1 (a):

— Exención del derecho de aduana [Reglamento (CE) n° 2382/97]

— Toldfri (Förordning (EF) nr. 2382/97)

— Zollfrei (Verordnung (EG) Nr. 2382/97)

— Ατελώς [Κανονισμός (ΕΚ) αριθ. 2382/97]

— Exemption from customs duty (Regulation (EC) No 2382/97)

— Exemption du droit de douane [Règlement (CE) n° 2382/97]

— Esenzione dal dazio doganale [Regolamento (CE) n. 2382/97]

— Vrijgesteld van douanerecht (Verordening (EG) nr. 2382/97)

— Isenção do direito aduaneiro [Regulamento (CE) n° 2382/97]

— Tullivapaa (asetus (EY) N:o 2382/97)

— Tullfri (förrättning (EG) nr 2382/97);

Article 1

For 1997 the following tariff quotas for rice originating in the United States of America as laid down in Article 1 (3) of Regulation (EC) No 1522/96 shall be opened for imports into the Community:

(a) 38 721 tonnes of milled or semi-milled rice covered by CN code 1006 30 at zero duty.

Quota order number 09.4076;

(b) 7 642 tonnes of husked rice covered by CN code 1006 20 at a duty of ECU 88 per tonne.

⁽¹⁾ OJ L 334, 30. 12. 1995, p. 1.

⁽²⁾ OJ L 190, 31. 7. 1996, p. 1.

⁽³⁾ OJ L 20, 23. 1. 1997, p. 23.

(b) in the case of the quota referred to in Article 1 (b):

- Derecho de aduana reducido a 88 ecus/t [Reglamento (CE) n° 2382/97]
- Nedsatt told 88 ECU/t (Forordning (EF) nr. 2382/97)
- Ermäßigter Zollsatz von 88 ECU/t (Verordnung (EG) Nr. 2382/97)
- Δασμός μειωμένος σε 88 Ecu/τόνο [Κανονισμός (ΕΚ) αριθ. 2382/97]
- Reduced duty to ECU 88 per tonne (Regulation (EC) No 2382/97)
- Droit réduit à 88 écus par tonne [Règlement (CE) n° 2382/97]
- Dazio ridotto a 88 ECU/t [Regolamento (CE) n. 2382/97]
- Verminderd douanerecht van 88 ecu/ton (Verordening (EG) nr. 2382/97)
- Direito reduzido a 88 ecus/t [Regulamento (CE) n° 2382/97]
- Tulli, joka on alennettu 88 ecuun/t (asetus (EY) N:o 2382/97)
- Tullsatsen nedsatt till 88 ecu/ton (förrordning (EG) nr 2382/97).

4. Import licence applications shall be admissible only where the following conditions are fulfilled:

- applications must be submitted by natural or legal persons who have, in at least one of the three years preceding the date of submission of the application, been engaged in trade in rice or submitted import licence applications covering rice and were entered in a public register of a Member State,
- applicants must submit a single application in the Member State where they are entered in a public register. Where applications are submitted by the same person in one or more Member States, none of those applications shall be admissible,
- the application must not relate to a quantity which is greater than the quantity available for the tranche and the quota concerned. However, the quantity applied for may not exceed 5 000 tonnes per quota.

Article 4

1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by telex or fax and in accordance with Annex I to this Regulation, of the quantities covered by import licence applications, broken down by eight-digit CN code and country of origin, the number of the licence applied for and the name and address of the applicant.

Such notification shall also be made where no application has been submitted in a Member State.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

2. Within 10 days of the closing date for notification, the Commission shall:

- decide to what extent applications may be accepted. Where the quantities applied for exceed those available in respect of the tranche in question, it shall set a single percentage reduction to be applied to those quantities,
- fix the quantities available under the following tranche.

3. If the reduction referred to in the first indent of paragraph 2 of this Article results in one or more quantities of less than 20 tonnes per application, the Member State shall allocate the total of these quantities by drawing lots among the importers concerned in 20-tonne lots and, where applicable, the remaining lot.

Article 5

1. Within three working days of the entry into force of the decision referred to in Article 4 (2), import licences shall be issued for the quantities resulting from the application of that decision.

Where the quantity covered by the import licence issued is lower than that applied for, the security fixed in Article 3 (1) shall be reduced proportionately.

2. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88⁽¹⁾, rights accruing under import licences shall not be transferable.

Article 6

1. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that set out in Sections 17 and 18 of the import licence. To that end the figure '0' shall be entered in Section 19 of the licence.

3. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

4. The term of validity of the licences shall be fixed in accordance with Article 6 (1) of Commission Regulation (EC) No 1162/95⁽²⁾.

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ L 117, 24. 5. 1995, p. 2.

Article 7

Access to the tariff quota shall be conditional on presentation, when the goods are released for free circulation, of a rice inspection services certificate completed in accordance with the model set out in Annex II and issued by the Federal Grain Inspection Service of the United States Department of Agriculture.

Article 8

The Member States shall notify the Commission, by telex or fax and in accordance with Annex I to this Regulation:

- within two working days of their issue, of the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, with the date of issue, the number of the licence and the name and address of the holder,

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

Done at Brussels, 28 November 1997.

- on the last working day of each month following the month of release for free circulation, of the quantities, broken down by eight-digit CN code, package and country of origin, actually released for free circulation, with the date of release, the number of the licence and the name and address of the holder.

Such notifications must also be made where no licence has been issued and no imports have taken place.

Article 9

Article 9 of Regulation (EC) No 1522/96 shall apply.

Article 10

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

RICE — REGULATION (EC) No 2382/97

Application for an import licence ⁽¹⁾

Issue of an import licence ⁽¹⁾

Release for free circulation ⁽¹⁾

To: DG VI-C-2

Fax: (00 32 2) 296 60 21

From:

Date	Number of licence	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder	Packaging ≤ 5 kg

⁽¹⁾ Delete as appropriate.

OMB NO. 0580-0013 EXPIRATION DATE: 6-30-94

ORIGINAL



U.S. DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE

RICE INSPECTION SERVICES CERTIFICATE

(ISSUED AT)

(DATE OF ISSUANCE)

TYPE OF INSPECTION

a. ☐ ORIGINAL ☐ APPEAL
☐ BOARD APPEAL

b. ☐ LOT ☐ MULTIPLE LOT
☐ SPECIAL ☐ OTHER (Specify) _____

SERVICE PERFORMED (See Parts II, III, or IV for Results)

☐ QUALITY INSPECTION ☐ CONDITION INSPECTION ☐ OTHER (Specify) _____

(See Part IV for Results)

PART I - IDENTIFICATION (Use reverse if necessary; indicate PART I)

QUANTITY

LOCATION

MARKINGS

IDENTIFICATION	SEAL NUMBERS	DATE SAMPLED	QUANTITY	IDENTIFICATION	SEAL NUMBERS	DATE SAMPLED	QUANTITY

PART II - RESULTS OF INSPECTION FOR QUALITY (Use reverse if necessary; indicate PART II)

GRADE DESIGNATION, CLASS, OR KIND

PART III - CONDITION INSPECTION (Use reverse if necessary; indicate PART III)

CONDITION OF CONTAINERS

☐ GOOD ☐ OTHER (See below)

CONDITION OF COMMODITY

☐ GOOD ☐ OTHER (See below)

CONDITION OF CARRIER

☐ CLEAN ☐ OTHER (See below)

PART IV - SPECIAL INSPECTION SERVICES, SPECIAL STATEMENTS, FACTOR INFO., OR REMARKS (Use reverse if necessary; indicate PART IV)

I CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE
PERFORMED WITH THE RESULTS STATED.

NAME AND SIGNATURE OF INSPECTOR

This certificate is issued under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) and the regulations thereunder (7 CFR 68.1 et seq.), and is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

WARNING: Sec. 203(h) of the Agricultural Marketing Act of 1946 provides that anyone who shall knowingly falsely make, issue, alter, forge, or counterfeit any official certificate, or aid, assist, or be a party to such actions, is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.

The conduct of all services and the licensing of inspection/grading/sampling/personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap

**COMMISSION REGULATION (EC) No 2383/97
of 28 November 1997**

amending Regulation (EC) No 1273/97 establishing a forecast balance for the supply to the Azores and Madeira of cereal products covered by the specific measures provided for in Articles 2 to 10 of Council Regulation (EEC) No 1600/92

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira, with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas the quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows;

Whereas, pending a communication from the competent authorities updating the requirements of Azores and Madeira, and so as not to interrupt application of the specific supply arrangements, the balance was drawn up for the period 1 July to 31 December 1997 by Commission Regulation (EC) No 1273/97⁽³⁾; whereas as a result of the presentation by the Portuguese authorities of information on the needs of the Azores and Madeira, it was possible to establish the balance for the entire 1997/98 marketing year; whereas the Annex to Regulation (EC) No

1273/97 should thus be replaced by the Annex to this Regulation;

Whereas the supply arrangements are laid down for the period 1 July to 30 June; whereas the definitive supply balance for the 1997/98 marketing year should therefore apply from the start of that year, i.e. 1 July 1997;

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 Annex to Regulation (EC) No 1273/97 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1997.

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

Done at Brussels, 28 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 174, 2. 7. 1997, p. 43.

ANNEX

ANNEX

Forecast supply balance for the Azores and Madeira for the 1997/98 marketing year

Region	Breadmaking common wheat	Feed wheat	Durum wheat	Barley	Maize	Malt	Total
Azores	34 000	—	500	20 500	90 000	1 000	146 000
Madeira	25 000	—	5 000	2 500	35 000	2 200	69 700
Total	59 000	—	5 500	23 000	125 000	3 200	215 700'

COMMISSION REGULATION (EC) No 2384/97

of 28 November 1997

fixing the rates of refunds applicable to certain products from the sugar sector
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 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products 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 implementing rules for 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 Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with 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 each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay 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 refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The 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) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 28 November 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 28 November 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	7,80	7,80
— in all other cases	39,78	39,78
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	7,17	7,17
— in all other cases	36,60	36,60
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{7,80^{(1)} \times S^{(1)}}{100}$	$\frac{7,80^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{39,78^{(1)} \times S^{(1)}}{100}$	$\frac{39,78^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	7,80 ⁽³⁾	7,80 ⁽³⁾
— in all other cases	39,78 ⁽³⁾	39,78 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup

— the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

(*) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 2385/97

of 28 November 1997

fixing the rates of the refunds applicable to certain milk products 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1587/96⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and 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 804/68;

Whereas, in accordance with the first subparagraph of 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 each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced

skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 531/96⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 1997.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ L 78, 28. 3. 1996, p. 13.

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

Done at Brussels, 28 November 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 28 November 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 68,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 570/88 are exported (b) On exportation of other goods	64,59 102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	45,00 177,25 170,00

COMMISSION REGULATION (EC) No 2386/97**of 28 November 1997****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

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

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

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 2358/97 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2358/97 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2358/97 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 29 November 1997.

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

Done at Brussels, 28 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 326, 28. 11. 1997, p. 31.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 28 November 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	13,00
1001 90 91 9000	—	—	1101 00 15 9130	01	12,00
1001 90 99 9000	03	3,00	1101 00 15 9150	01	11,25
	02	0	1101 00 15 9170	01	10,25
1002 00 00 9000	03	17,00	1101 00 15 9180	01	9,75
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	4,00	1102 10 00 9500	01	36,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9900	—	—
1007 00 90 9000	—	—	1103 11 90 9200	01	0 ⁽²⁾
1008 20 00 9000	—	—	1103 11 90 9800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 November 1997

amending at mid-term, Decision 91/482/EEC on the association of the overseas countries and territories with the European Economic Community

(97/803/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 240 (3) thereof,

Having regard to the internal Agreement on the financing and administration of Community aid in the framework of the second financial Protocol to the fourth Lomé Convention, signed in Brussels on 20 December 1995,

Having regard to the proposal from the Commission⁽²⁾,

Whereas Article 240 of Decision 91/482/EEC stipulates that before the end of the first five years the Council, acting unanimously on a proposal from the Commission, shall establish the Community's financial assistance for the second five-year period opened by the said Decision and any amendments to its provisions;

Whereas the Council, in adopting Decision 96/109/EC of 29 January 1996 on transitional measures to be applied from 1 March 1995 in the context of the association of the overseas countries and territories with the European Community⁽³⁾, took the necessary steps to ensure the continuity of financial assistance;

Whereas the financial assistance for the second period of application of Decision 91/482/EEC, which amounts to ECU 165 million under the eighth European Development Fund, hereinafter referred to as 'the Fund', and ECU 35 million in loans from the own resources of the European Investment Bank, hereinafter referred to as 'the Bank', may be maintained at unchanged levels in respect of non-programmable aid and increased accordingly in respect of financing for development projects and programmes implemented under the indicative programmes of the OCTs;

Whereas, in accordance with Article 240 (3) of Decision 91/482/EEC, the competent OCT authorities informed the Commission of the amendments or additions they desired through written memoranda and at meetings held in the context of Commission/Member State/OCT partnership; whereas the Commission then sent the Council a communication on the mid-term review of the association of the OCTs with the EC in which it recommended various amendments to the association; whereas these amendments take account, as far as possible, of the desires indicated above, the experience gained by the Commission in the first five years of implementing Decision 91/482/EEC, the new steps taken towards building the European Union since 1991 and the mid-term review negotiations on the fourth ACP-EC Convention;

Whereas by Decision 91/482/EEC the Council introduced the possibility of consultations with the local OCT authorities through creating the Commission/Member State/OCT partnership arrangement; whereas the memo-

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ C 139, 10. 5. 1996, p. 1.

⁽³⁾ OJ L 26, 2. 2. 1996, p. 27.

randa drawn up preparatory to the mid-term review of that Decision showed the local authorities' enthusiasm for this practice; whereas the partnership arrangement should therefore be strengthened and consultations put on a regular footing;

Whereas the involvement of the Member State responsible for a country or territory remains central to this partnership arrangement and whereas there should therefore be close consultation with the responsible Member State regarding all activities covered by the partnership arrangement;

Whereas the introduction pursuant to Decision 91/482/EEC of free access for all products originating in the OCTs and the maintenance of cumulation for ACP and OCT originating products has given rise to the risk of conflict between two Community policy objectives, namely the development of the OCTs and the common agricultural policy; whereas serious disruption on the Community market for certain products subject to a common organization of the market has led on a number of occasions to the adoption of safeguard measures; whereas fresh disruption should be avoided by taking measures to create a framework conducive to regular trade flows and at the same time compatible with the common agricultural policy;

Whereas the mid-term review of the fourth Lomé Convention has produced a number of improvements designed to make cooperation more coherent and effective, to promote local initiatives through decentralized cooperation, to place a new emphasis on the development of trade and services and to step up dialogue in the context of the programming of EDF resources; whereas these improvements would also be desirable in the case of the OCTs and whereas Decision 91/482/EEC should therefore be amended accordingly, *mutatis mutandis*;

Whereas, lastly, Decision 91/482/EEC should be supplemented by a number of provisions designed to take more account of the human dimension of the association of the OCTs with the Community; whereas this can be done by making citizens of the OCTs eligible for a number of Community programmes open to citizens of the European Union; whereas this can also be done by providing for the recognition, in time, of diplomas acquired in the OCTs in respect of certain professions,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 91/482/EEC shall be amended as follows:

A. THROUGHOUT THE DECISION

1. The words 'European Economic Community' shall be replaced by 'European Community', and the abbreviation 'EEC' by 'EC'.
2. The words 'Council of the European Communities' shall be replaced by 'Council of the European Union'.
3. The word 'Delegate' shall be replaced by 'Head of Delegation'.

B. PART ONE

GENERAL PROVISIONS OF EC-OCT COOPERATION

Article 2

4. In Article 2, the following paragraph shall be added:

'In support of the development strategies of the OCTs, due account shall be taken both of the objectives and priorities of the Community's cooperation and development policy and of the development policies and priorities of the Member States concerned and of the OCTs'.

Articles 7, 8 and 9

5. The chapter heading 'Decentralized cooperation and partnership' shall be replaced by 'Partnership'.
6. Articles 7, 8 and 9 shall be deleted.

C. PART TWO

THE AREAS OF EC-OCT COOPERATION

TITLE I

ENVIRONMENT

Article 16

7. Article 16 shall be replaced by the following:

'Article 16

The Community undertakes, for its part, to make every effort to ensure that international movements of hazardous and non-hazardous waste and radioactive waste are generally controlled, and emphasizes the importance of efficient international cooperation in this area.

With this in view, the Community shall prohibit all direct or indirect export of such waste, with the exception of exports of non-hazardous waste destined for recovery operations, to the OCTs while at the same time the relevant authorities of the OCTs shall prohibit the direct or indirect import into their territory of such waste from the Community or from any other country, without prejudice to specific international undertakings concerning these two areas that have been made, or may be made in future, in the competent international forums.

The relevant authorities of the OCTs undertake to monitor strictly the implementation of the prohibition measure referred to above.

1. These provisions shall not prevent a Member State to which an OCT has chosen to export waste for processing from returning the processed waste to the OCT of origin. In case of re-export to an OCT, a specimen of the consignment note, bearing the stamp of authorization, shall accompany each shipment.
2. As regards the Community, and without prejudice to paragraph 1, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (*) shall apply.

As regards those OCTs which, due to their constitutional status, are not Party to the Basle Convention, their relevant authorities shall expedite adoption of the necessary internal legislation and administrative regulations to implement this undertaking.

3. As regards imports into the Community from the OCTs of hazardous waste and of non-hazardous waste destined for final disposal, Articles 1 to 12 and 25 to 39 of Regulation (EEC) No 259/93 shall apply
4. The term 'hazardous waste' within the meaning of this Article shall cover categories of products listed

in Annexes 1 and 2 to the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

As regards radioactive waste, the applicable definitions and thresholds shall be those which will be laid down in the framework of the International Atomic Energy Agency (IAEA). In the mean time, the said definitions and thresholds shall be those specified in Annex VI.

(*) OJ L 30, 6. 2. 1993, p. 1.'

TITLE V

INDUSTRIAL DEVELOPMENT, MANUFACTURING AND PROCESSING

Article 48

8. Article 48 shall be replaced by the following:

'Article 48

At the request of their relevant authorities, the OCTs may be eligible for the services of the Centre for the Development of Industry hereinafter referred to as 'the CDI', referred to in Articles 87 to 98 of the fourth Lomé Convention, the objectives and activities of which are described in Chapter 1, or those of the Euro-info Correspondence Centres (EICC) set up pursuant to the Community's business promotion policy, the objectives and activities of which are described in Chapter 2.

Any costs resulting from services provided by the CDI or the EICC for the benefit of the OCTs shall be financed from the funds provided for in Article 154 for whichever of the three groups the OCTs in question belong to.'

9. The following Chapter shall be inserted:

*'Chapter 1***The Centre for the Development of Industry (CDI)***Article 48a*

10. The following Article shall be inserted:

'Article 48a

1. The CDI shall help to establish and strengthen industrial enterprises in the OCTs, especially by

encouraging joint initiatives by economic operators of the Community and of the OCTs. The CDI shall exercise selectiveness in undertaking its tasks, laying emphasis on opportunities for joint ventures and subcontracting.

2. The CDI shall:

- (a) with a view to ensuring its effectiveness, focus its efforts on OCTs that have:
 - (i) included support for industrial development, or for the private sector in general, in their indicative programmes, as provided for in Article 187 (3) (b) and (c), and/or
 - (ii) obtained financial contributions and assistance from other Community institutions for the promotion and development of the private and/or the industrial sector;
- (b) carry out its activities in the framework of the implementation of industrial-development or private-sector support projects established by the OCTs referred to in subparagraph (a) for their indicative programmes;
- (c) step up its operational presence in the OCTs referred to in subparagraph (a), particularly with regard to the identification of projects and project promoters and to providing assistance for the presentation of such projects to the financing institutions;
- (d) give priority to the identification of operators with viable small to medium-sized industrial projects and, in the case of those meeting the needs of the OCTs, to assisting them in their promotion and implementation.

3. The Commission, the Bank, and the CDI shall maintain operational cooperation in the context of their respective responsibilities. To this end, and to ensure the consistency of Community operations in support of the private sector in general and the industrial sector in particular in the OCTs referred to in paragraph 2 (a), the Commission shall, in consultation with the Bank and in liaison with the CDI, prepare support programmes for these sectors that incorporate guidelines for the strategy to be pursued.'

Article 48b

11. The following Article shall be added:

Article 48b

1. In undertaking the tasks referred to in Article 48a the CDI shall operate by giving priority to viable projects. In particular, it shall:

- (a) identify, appraise, evaluate, promote and assist in the implementation of economically viable, industrial projects of the OCTs;
- (b) carry out studies and appraisals aimed at identifying practical opportunities for industrial cooperation with the Community in order to promote the industrial development of the OCTs and facilitating the implementation of appropriate schemes;
- (c) supply information and also specific advisory services and expertise, including feasibility studies, with a view to expediting the establishment and/or restoration of industrial enterprises;
- (d) identify potential partners of the OCTs and the Community for joint investment operations and assist in the implementation and follow-up;
- (e) identify and provide information on possible sources of financing, assist in the presentation for financing and, where necessary, assist in the mobilization of funds from these sources for industrial projects in the OCTs;
- (f) identify, collect, evaluate and supply information and advice on the acquisition, adaptation and development of appropriate industrial technology relating to specific projects and, where appropriate, assist in the setting up of experimental or demonstration schemes.

2. In order to improve the attainment of its objectives, the CDI, in addition to its main activities, may also pursue the following:

- (a) carry out studies, market research and evaluation work and gather and disseminate all relevant information on the industrial cooperation situation and opportunities and notably on the economic environment, the treatment which potential investors may expect and the potential of viable industrial projects;
- (b) help, in appropriate cases, to promote the marketing of OCT manufactures on their domestic markets and the markets of other OCTs, the ACP States and the Community in order to encourage optimum exploitation of installed or projected industrial capacity;
- (c) identify industrial policy-makers, promoters and economic and financial operators in the Community and the OCTs, and organize and facilitate contacts and meetings of all kinds between them;
- (d) identify, on the basis of needs indicated by the OCT, opportunities in industrial training, chiefly on the job, to meet the requirements of existing and planned industrial undertakings in the OCTs and, where necessary, assist in the implementation of appropriate schemes;

- (e) gather and disseminate all relevant information concerning the industrial potential of the OCTs and trends of industrial sectors in the Community and the OCTs;
- (f) promote the subcontracting and also the expansion and consolidation of regional industrial projects.'

12. The following chapter shall be inserted:

'Chapter 2

Euro-info Correspondence Centres (EICC)'

13. The following Article shall be inserted:

'Article 48c

In respect of the OCTs the tasks of the Euro-info Correspondence Centres (EICC) shall be to:

- disseminate Community information to OCT firms,
- gather and transmit to the Euro-info Centres (EIC) information from the OCTs may be of use to European small and medium-sized enterprises,
- answer general, legal, administrative and statistical questions from OCT firms about the European Union,
- answer general, legal, administrative and statistical questions from Community firms about the OCTs.

To achieve the greatest possible reciprocity in the exchange of information, the Commission shall ensure that Community firms have access to the same type of information and the same advisory/support services in relation to the OCTs as those offered by the Community to OCT firms.

Only one Correspondence Centre shall be set up per country or territory and each Centre may develop a sub-net-work to suit its own needs and resources in order to ensure as wide a dissemination of information and services as possible.'

14. The following Article shall be inserted:

'Article 48d

The following tools and services shall be made available to or be acquired by the Correspondence Centres for the proper performance of their work:

- (a) documentation: a list of documents selected to form a basic library collection (to be acquired); terms and cost of acquisition;
- (b) a specific software program (to be acquired) for creating and managing dossiers on specific issues and conducting searches on previous dossiers and existing document and databases;
- (c) databases: a list of accessible databases (for which there is a charge) and terms and cost of connection;
- (d) training: teach yourself courses (to be acquired), timetable of training sessions (specific Community matters, working of the EICs), fee-paying training sessions in database use, and annual conference of all EICs and EICCs (for all these activities, travel and accommodation expenses to be borne by the EICC);
- (e) access to information officers of the central administration for replies to requests for information on Community-related matters;
- (f) access to the capitalization database via the VANS: this EIC-network database contains questions and answers on mainly Community matters;
- (g) electronic mail: the EICCs shall have access to the electronic mail system, in particular the EIC network's own environment.'

15. The following Article shall be inserted:

'Article 48e

1. A request for the establishment of a correspondence centre and the choice of host structure should be addressed to the Commission by the competent authorities of the country or territory through the channels provided for in Article 222.

2. An agreement providing for, *inter alia*, sufficient human, material and financial resources shall be concluded between the EICC and the Commission.

3. At the request of the competent authorities and in accordance with the procedures set out in Part Three, Title III of this Decision, part-financing may be made available to the EICC host structure from the grant aid available under the local or regional indicative programme.

4. The following criteria shall be used to select applicant host structures of the EICCs:

- experience of the applicant structure in assisting and advising businesses and a business-oriented attitude to small and medium-sized enterprises,
- representativeness in respect of the business sector in the applicant country or territory,
- knowledge of European issues,
- the will and the ability to ensure reciprocity of services to OCT and Community firms,
- the potential for financial independence,
- willingness to employ as staff for the Centre, people with a good command of English or French and experience of computers,
- provision of computer and communications equipment that complies with the specifications,
- an undertaking to serve all small and medium-sized enterprises equally without discrimination as to status or sector, where appropriate in liaison with other EICs or EICCs on the network.

TITLE IX

DEVELOPMENT OF SERVICES

Chapter 4

Transport, communications and informatics

Article 79

16. In Article 79, the figure '1' shall be inserted at the beginning of the sole paragraph and the following paragraphs 2 and 3 shall be added:

'2. With a view to contributing to the promotion and development of the OCT maritime trade, the Contracting Parties may, in the framework of the implementation of development finance cooperation, give special attention within the existing instruments to the facilitation and encouragement of access for OCT maritime operators to the resources provided for in this Decision, in particular as regards projects and programmes for improving the competitiveness of their maritime services.

3. The Community may give assistance in the form of risk-capital and/or loans by the Bank to finance projects and programmes in the sectors set out in this Article.'

TITLE X

TRADE DEVELOPMENT

Article 84

17. Article 84 shall be replaced by the following:

Article 84

With a view to attaining the objectives set out in Article 100, the Community shall implement measures for the development of trade at all stages up to final distribution of the product.

The object is to ensure that the OCTs derive the maximum benefit from the provisions of this Decision and may participate under the most favourable conditions in the Community, domestic, subregional, regional and international markets by diversifying the range and increasing the value and the volume of the OCTs' trade in goods and services.

To this end the competent OCT and Community authorities undertake to ensure that high priority is given to trade development programmes in the context of establishing national and regional programmes as provided for in Article 187 and other relevant provisions of this Decision.'

Article 85

18. In Article 85, paragraphs 1 and 2 shall be replaced by the following:

'1. In addition to developing trade between the OCTs and the Community, particular attention shall be given to operations designed to increase the OCTs' self-reliance and improve regional cooperation in trade and services.

2. Within the instruments provided for in this Decision and in accordance with the provisions set out in relation thereto, operations shall be undertaken at the request of the competent OCT authorities, particularly in the following areas:

- support for the addition of appropriate macro-economic policies necessary for trade development,
- support for the creation or reform of appropriate legal and regulatory frameworks as well as for the reform of administrative procedures,
- the establishment of coherent trade strategies,
- support for the OCT in developing their internal capacities, information systems and awareness of the role and importance of trade in economic development,

- support for strengthening the infrastructure related to trade and in particular support for the OCTs efforts to develop and improve supportive service infrastructure, including transport and storage facilities, in order to ensure their effective participation in the distribution of goods and services and in order to enhance the flow of exports from the OCTs,
- development of human resources and professional skills in the field of trade and services, in particular in the processing, marketing, distribution and transport sectors for the Community, regional and international markets,
- support to private-sector development and, in particular, to small and medium-sized enterprises for product identification and development, market outlets and export-oriented joint-ventures,
- support for OCT actions aimed at encouraging and attracting private-investment and joint-venture operations,
- the establishment, adaptation and strengthening of organizations in the OCTs dealing with the development of trade and services, particular attention being paid to the special needs of organizations in the least-developed OCTs,
- support for the OCTs efforts to develop and improve the quality of their products, adapt them to market requirements and diversify their outlets,
- support for the OCTs' efforts to penetrate third-country markets more effectively,
- market development measures including increasing contacts and exchanges of information between economic operators in the OCTs, ACP States, the Member States and third countries,
- support for OCTs in the application of modern marketing techniques in production-oriented sectors and programmes, in particular in areas such as rural development and agriculture.'

TITLE XI

CULTURAL AND SOCIAL COOPERATION

19. The title 'Cultural and social cooperation' shall be replaced by 'Cultural and social cooperation, health, combating drug abuse and money laundering'.

Article 88

20. In the last line of Article 88 the words 'and nutrition' shall be replaced by 'and combating drug abuse'.

Article 88a

21. The following Article shall be inserted:

'Article 88a

1. The Community recognizes the importance of the health sector in ensuring the sustainable and self-reliant development of the OCTs. The aim of co-operation shall be to facilitate the right of access of the greatest number of people to adequate health care, thus promoting equity and social justice, alleviating suffering, reducing the economic burden of disease and mortality, and promoting the effective participation of the community in operations to improve health and well-being.

The attainment of these aims calls for:

- a systematic, long-term approach to the improvement and strengthening of the health sector,
- the definition of comprehensive national health guidelines and programmes,
- improved management and use of existing human, financial and physical resources.

2. To this end, cooperation in this sector shall seek to support functional and sustainable health services which are financially affordable, culturally acceptable, geographically accessible and technically competent. It shall seek to promote an integrated approach to the creation of health services based on the extension of preventive care, the improvement of curative care and complementarity between hospital-based and basic-level services, in accordance with primary health care policy.

3. Cooperation in the health sector may provide support for:

- the improvement and extension of basic health services and also the strengthening of hospitals and maintenance of equipment, acknowledged as essential for the smooth operation of the health system as a whole,
- health-sector planning and management, including the strengthening of statistical services, and the formulation of health-financing strategies at territorial, regional and district levels, this last level being the focal point for coordination of basic services, provision of specialist services and implementation of programmes to stamp out widespread diseases,
- schemes to integrate traditional medicine in modern health care,

- essential drug programmes and strategies, including local production units for basic drugs and consumables, taking account of traditional pharmacy, in particular the use of medicinal plants, which is something that should be studied and developed,
- training of staff in the context of an overall programme, from public health planners, administrators, management staff and specialists, down to the personnel working in the field, this training being tailored to the actual responsibilities borne at each level,
- support for training and information programmes and campaigns aimed at stamping out endemic diseases, improving environmental hygiene, combating the use of narcotic drugs, the spread of transmitted diseases and other health scourges in the framework of integrated health systems,
- the building up of research institutes, university departments and specialist schools in the OCTs, notably in the field of public health.

4. One of the aims of cooperation is to increase the efficiency of policies and measures to prevent the production and distribution and illicit trafficking of all kinds of drugs, narcotics and psychotropic substances, as well as preventing and reducing drug abuse, taking into account work done in this connection by international bodies.

5. Cooperation shall comprise the following:

- (a) training, education, health promotion and rehabilitation of addicts, including projects for the re-integration of addicts into work and social environments;
- (b) measures to encourage alternative economic opportunities, for example programmes for the alternative development of areas used for the illicit production of narcotic plants, linked to effective enforcement measures;
- (c) technical, financial and administrative assistance relating to the monitoring of precursor trade, and the establishment of standards equivalent to those adopted by the Community and international authorities concerned, notably by the ex-Chemical Action Task Force;
- (d) technical, financial and administrative assistance relating to the prevention, treatment and reduction of drug abuse;
- (e) technical assistance and training, and the establishment of standards to prevent money laundering equivalent to those adopted by the Community and other international bodies, in particular the Financial Action Task Force (FATF);
- (f) exchange of relevant information for the implementation of points (a) to (e).'

TITLE XII

REGIONAL COOPERATION

Article 90

22. In Article 90 (4), the second subparagraph shall be replaced by the following:

'It shall include regional cooperation between OCTS, ACP States, overseas departments, the Canary Islands, the Azores and Madeira, in accordance with Article 98. The funding to cover the participation of ACP States, overseas departments, the Canary Islands, the Azores and Madeira shall be additional to the funds allocated to the OCTS pursuant to this Decision.'

Article 91

23. In Article 91 (1), the third indent shall be replaced by the following:

'— one or more of the OCTS and one or more ACP States, overseas departments, the Canary Islands, the Azores or Madeira,'.

Article 92

24. In Article 92 (1), point (d) shall be replaced by the following:

'(d) acceleration of economic diversification in order to stimulate complementary in production and intensification of cooperation and development within and between OCT regions, and between these regions and ACP States, overseas departments, the Canary Islands, the Azores and Madeira,'.

25. In Article 92 (1), point (h) shall be replaced by the following:

'(h) expansion of the OCTs' markets by promoting trade among OCTs and between OCTs, ACP

States, neighbouring third countries and overseas departments, the Canary Islands, the Azores and Madeira;’.

26. In Article 98, paragraph 1 shall be replaced by the following:

‘1. Within the context of regional cooperation particular attention shall be given to accelerating economic diversification in order to simulate complementarity in production and intensification of co-operation and development within and between OCT regions and between these regions and the ACP States, the overseas departments and the Canary Islands, the Azores and Madeira.’

In Article 98, the introductory part of paragraph 3 shall be replaced by the following:

‘3. In administering the European Development Fund (EDF) and the Structural Funds, and in accordance with the rules on eligibility for the respective Funds, the Commission will ensure that the OCTs (EDF), the overseas departments, the Canary Islands, the Azores and Madeira (Structural Funds) and the ACP States (EDF) may receive financing from Community funds for regional projects or programmes carried out jointly by OCTs, overseas departments and ACP States within the same geographical area subject to the following:’.

D. PART THREE

THE INSTRUMENTS OF EC-OCT COOPERATION

TITLE I

originating in the OCTs, any quantitative restrictions or measures having equivalent effect.’

TRADE COOPERATION

Article 108

Chapter 1

General trade arrangements

Article 101

27. Article 101 is hereby amended as follows:

— paragraph 1 shall be replaced by the following:

‘1. Products originating in the OCTs shall be imported into the Community free of import duty.’.

— in paragraph 3, the first indent shall be replaced by the following:

‘— agricultural products listed in Annex II to the Treaty nor to products covered by Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (’).

(’) OJ L 318, 20. 12. 1993, p. 18.’

— paragraphs 4 and 5 shall be deleted.

Article 102

28. Article 102 shall be replaced by the following:

Article 102

Without prejudice to Articles 108a and 108b, the Community shall not apply to imports of products

29. In Article 108, paragraph 1 shall be replaced by the following:

‘1. For the purposes of implementing this Chapter and without prejudice to paragraph 2 or Articles 108a and 108b:

— the concept of originating products and the methods of administrative cooperation relating thereto are laid down in Annex II,

— the conditions for entry, into the Community, of products not originating in the OCTs but in free circulation in an OCT, and the methods of administrative cooperation relating thereto, are laid down in Annex III.’

30. In Article 108, paragraph 2 shall be replaced by the following:

‘2. (a) The Council, acting unanimously on a proposal from the Commission, shall decide on the adjustment of the rules of origin set out in Annex II for products of particular interest for the present and future development of the OCTs, in order to meet the specific problems linked to the OCTs’ economic and geographical structure, in the light of the objectives set out in Articles 3 (r) and 132 (1) of the Treaty.

(b) Until this Decision expires:

- ACP/OCT cumulation of origin for rice and sugar (HS code 1006, 1701, 1702, 1703 and 1704), as provided for in Articles 108a and 108b, shall apply as soon as the revised Decision enters into force,
- in respect of other products falling within Chapters 1 to 24 of the HS code, ACP/OCT cumulation of origin shall cease to apply as of the date on which the adjustments to the rules of origin made in accordance with the procedure laid down in (a) take effect.

(c) Any other amendments to Annexes II and III shall be adopted by the Council acting unanimously on a Commission proposal.'

Paragraph 3 shall be deleted.

Article 108a

31. The following Article shall be inserted:

'Article 108a

1. With regard to products falling within HS code 1006 and without prejudice to the possible increases referred to in paragraphs 2 and 3, the ACP/OCT cumulation of origin referred to in Article 6 of Annex II shall be allowed up to a total annual quantity of 160 000 tonnes expressed as husked rice equivalent, which will include the tariff quota for rice originating in the ACP States provided for in the fourth Lomé Convention.

To that end, the issue of import licences shall be spaced out over the year in a series of periods laid down to ensure balanced market management.

An initial issue of import licences for a quantity of 35 000 tonnes expressed as husked rice equivalent shall be made to the OCTs in January each year. OCT imports may reach the level of 160 000 tonnes referred to in the first paragraph, including the above-mentioned 35 000 tonnes, without prejudice to any increases referred to in paragraphs 2 and 3, in so far as the ACP States do not actually use their direct export possibilities under the quota referred to in the first subparagraph.

2. In accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95, the Commission may increase the quantity referred to in paragraph 1 of this Article by a maximum of 20 000 tonnes expressed as husked rice equivalent if, during April and once it has a sufficiently clear picture of the current Community marketing year, it finds that such an increase will not disrupt the Community market.

3. If the Commission finds, as from 1 August, that there is an established risk of a shortage of Indica rice on the Community market, it may, by way of derogation from paragraphs 1 and 2 and in accordance with normal management procedures, increase the above quantities.

4. For the purposes of implementing the ACP/OCT cumulation rules set out in paragraphs 1, 2 and 3, milling or semi-milling operations shall be considered as sufficient to confer the status of OCT-originating products.

5. The Commission shall adopt the implementing arrangements by the same procedure.

6. The quantities set out in the preceding paragraphs may not be carried over from one year to the next.'

Article 108b

32. The following Article shall be inserted:

'Article 108b

1. The ACP/OCT cumulation of origin referred to in Article 6 of Annex II shall be allowed for an annual quantity of 3 000 tonnes of sugar falling within tariff headings HS 1701, 1702, 1703 and 1704.

2. For the purposes of implementing the ACP/OCT cumulation rules referred to in paragraph 1, forming sugar lumps or colouring shall be considered as sufficient to confer the status of OCT-originating products.

3. The quantity referred to in paragraph 1 may not be carried over from one year to the next.'

33. Chapter 2 shall be repealed.

TITLE II

COOPERATION IN THE FIELD OF COMMODITIES

Chapter 1

Stabilization of export earnings from agricultural commodities (Stabex)

Article 115

34. In Article 115, paragraph 1:

— point 24 shall be replaced by the following:

'24. Fresh bananas 0803 00 11 and 19',

— the following point shall be added:

'50. Karakul skins ex 4301 30 00
 ex 4302 13 00
 ex 4302 30 31'.

Article 121

35. In Article 121, the following paragraph shall be added:

'5. Other than the reduction referred to in paragraph 2, there shall be no further reduction as a result of a shortfall in the resources of the system if, in the case of the least-developed OCTs, the transfer basis reduced in accordance with paragraph 2 is less than ECU 0,5 million.'

Article 129

36. Article 129 shall be replaced by the following:

Article 129

1. Should the examination of:

- (a) marketed production in the application year by comparison with the reference period; or
- (b) total exports as a share of marketed production over the same period; or
- (c) the share of total exports going to the Community over the same period; or
- (d) the sum of the figures referred to in (b) and (c)

reveal a large decline, consultations shall be held between the Commission and the competent authorities of the country or territory to determine whether the transfer basis is to be maintained or reduced, and if reduced, to what extent.

2. For the purpose of applying paragraph 1, a decline shall be deemed to be large if it is at least 20 %.'

TITLE III

DEVELOPMENT FINANCE COOPERATION

Chapter 1

General provisions

Section 4

Scope of financing

Article 147

37. In Article 147, point (g) shall be replaced by the following:

'(g) the human and material resources, supplementary to those borne by the OCTs which are strictly necessary for efficient and effective administration and supervision of projects and programmes financed by the Fund'.

Section 6

Eligibility for financing

Article 153

38. In Article 153 (2), point (g) shall be replaced by the following:

'(g) agents of decentralized cooperation from OCTs and from the Community, to enable them to undertake economic, cultural, social and educational projects and programmes in the OCTs in the framework of decentralized cooperation.'

Chapter 2

Financial cooperation

Section 1

Financial resources

Article 154a

39. The following Article shall be inserted:

Article 154a

1. For the purposes set out in Chapter 1 of this Title, and for a period of five years commencing on 1 March 1995, the overall amount of the Community's financial assistance shall be ECU 200 million.

This amount shall comprise:

- (a) ECU 165 million from the Fund, allocated as follows:
 - (i) for the purposes set out in Articles 143, 144 and 147, ECU 127 million in the form of grants;
 - (ii) for the purposes set out in Articles 143, 144 and 147, ECU 30 million in the form of risk capital;
 - (iii) for the purposes set out in Articles 114 to 136, ECU 5,5 million in the form of transfers from the Stabex facility for the stabilization of export earnings;
 - (iv) for the purposes set out in Articles 137 to 142, ECU 2,5 million in the form of grants from the Sysmin facility;

- (b) for the purposes set out in Articles 143, 144 and 147, not more than ECU 35 million from the Bank in the form of loans from own resources in accordance with the terms and conditions provided for by its statute. These loans shall be subject to the provisions of Article 157 on interest rate subsidies.

2. The Bank shall administer loans from its own resources, including interest-rate subsidies, and risk capital. All other financial resources provided for in this Decision shall be administered by the Commission.

3. The amount referred to in paragraph 1 (a) (i) shall be allocated as follows:

- (a) ECU 105 million to finance projects and programmes, which shall be broken down as follows:

(i) United Kingdom OCTs ECU 19,2 million;

(ii) French OCTs ECU 50,3 million;

(iii) Dutch OCTs ECU 35,5 million;

- (b) ECU 10 million to finance regional projects and programmes in the OCT, including regional programmes to develop trade and services within the meaning of Article 85 and the partnership arrangements referred to in Articles 234 and 235;

- (c) ECU 8,5 million to finance the interest rate subsidies referred to in Article 157;

- (d) a special allocation of ECU 3,5 million, of which:

- (i) ECU 3 million for emergency aid as provided for in Article 164,

and

- (ii) ECU 0,5 million to aid refugees, returnees and displaced persons as provided for in Article 165;

- (iii) should the appropriations provided for pursuant to one of the Articles referred to above be exhausted before the expiry of this Decision, transfers may be made from the appropriations provided for in the other Article;

- (iv) on the expiry of this Decision, appropriations not committed for emergency assistance or aid for refugees, returnees and displaced persons shall be returned to the Fund for the purpose of financing other operations coming within the scope of development finance cooperation, unless the Council, by a qualified majority, decides otherwise;

- (v) Should all the special appropriations be exhausted before the expiry of this Decision,

the Council shall adopt by a qualified majority, on a proposal from the Commission, appropriate measures to deal with the situations referred to in Articles 164 and 165.

Section 2

Terms and conditions of financing

Article 155

40. In Article 155, paragraph 4 shall be replaced by the following:

'4. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:

- (a) the terms on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract, and

- (b) any financial benefit accruing to the intermediary from the on-lending transaction, or resulting from direct lending operations to the final beneficiary in the private sector, shall be used for development purposes, on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks, and the cost of technical assistance given to the final recipient.'

Article 155a

41. The following Article shall be inserted:

'Article 155a

Any funds remaining from those earmarked for special loans under the fifth and sixth Funds, whether for a country or territory or region, which have not been committed by the date of this Decision, plus any funds decommitted following closures, shall be used for grants.

The Chief Authorizing Officer of the Fund shall implement this conversion.'

Article 156

42. In Article 156:

- the introductory words of paragraph 1 shall be replaced by the following:

'1. Risk capital may be deployed in the form of loans, equity participation or other quasi-capital assistance.'

- in paragraph 1, the following point shall be inserted:

'(ba) Quasi-capital assistance may consist of shareholders' advances, convertible bonds, loans with participating rights or any other similar form of assistance.'

— in paragraph 1, point (c) shall be replaced by the following:

'(c) The terms of risk capital operations shall depend on the characteristics of each project or programme financed and shall in general be more favourable than those of subsidized loans. In the case of loans to the OCTs or to intermediaries the interest rate shall, in any case, be less than 3 %.'

— in paragraph 1 the following points shall be added:

'(d) Risk capital resources may be used in support of pre-investment studies and technical assistance, as provided for in Article 175 (g). In such cases, the loans shall be repaid only if the investment is carried out.

(e) Equity participation or other quasi-capital assistance shall be remunerated on the basis of the performance of the project or programme considered and profits generated shall be shared between the Community and the parties engaged in the said project or programme.'

— in paragraph 2, point (b) shall be replaced by the following:

'(b) in the case of risk capital financing for small and medium-sized enterprises, hereinafter referred to as "SME", the exchange-rate risk shall be shared by the Community, of the one part, and by the other parties involved, of the other. On average, the foreign exchange risk shall be shared equally.'

Article 157

43. In Article 157, the following subparagraph shall be inserted:

'(ba) in the case of direct financing of the private sector for strictly commercial projects, the rate of subsidy referred to in subparagraph (b) shall not apply.'

Article 158

44. In Article 158, point (a) shall be replaced by the following:

'(a) contribute, through the resources it manages, to the economic and industrial development of the OCTs on a national and regional scale; and to this end, finance as a priority productive projects and programmes, or other investments aimed at

promoting the private sector, in industry, agro-industry, tourism, mining, energy and in transport and telecommunications linked to these sectors. These sectoral priorities shall not exclude the possibility of the Bank's financing, from its own resources, productive projects and programmes in other sectors, including commercial agriculture;'

Articles 161a to 161c

45. In Chapter 2 of Title III, the following section shall be inserted:

'Section 3a

Decentralized cooperation

Article 161a

1. With a view to strengthening and diversifying the basis for the long-term development of the OCTs, and in order to encourage all agents from the OCTs and the Community which are in a position to contribute to the autonomous development of the OCTs to put forward and implement initiatives, EC-OCT cooperation shall support, within limits laid down by the country or territory concerned and by Member States responsible for these OCTs, development operations within the framework of decentralized cooperation, in particular where they combine the efforts and resources of organizations from the OCTs and their counterparts from the Community. This form of cooperation shall, in particular, aim at making available for the development of the OCTs, the capabilities, innovative operating methods and resources of the agents of decentralized cooperation.

2. The agents referred to in this Article are decentralized public authorities, rural and village groups, cooperatives, trade unions, teaching and research institutions, non-governmental development organizations, other associations, groups and agents which are able and wish to contribute to the development of the OCTs on their own initiative, provided that these agents and/or operations are non-profit-making.

Article 161b

1. In the framework of EC-OCT cooperation special efforts shall be made to encourage and support the initiatives of OCT agents and, in particular, to reinforce the capabilities of these OCT agents. In this framework, cooperation shall support the activities of OCT agents, either on their own or in association with similar agents from the Community, which make their capabilities, experience, technological and organizational capacities or financial resources available to their OCT counterparts.

2. The cooperation shall encourage agents from the OCTs and from the Community to provide supplementary financial and technical resources for the development effort where appropriate, including encouragement of partnerships between such agents. The cooperation may provide decentralized cooperations with financial and/or technical support drawn from the resources of this Decision under the conditions laid down in Articles 161c, 161d and 161e.

3. This form of cooperation shall be organized in accordance with the role and the prerogative of the public authorities of the OCTs.

Article 161c

1. Decentralized cooperation operations may be supported through the financial resources of the indicative programme or counterpart funds. The extent of the support shall be that which is necessary for the successful implementation of the proposed operations provided that the viability of the proposed operations has been established in accordance with the provisions for development finance cooperation.

2. Projects or programmes under this form of cooperation may or may not be linked to programmes in the sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by decentralized agents.

Article 161d

1. Projects and programmes undertaken within the framework of decentralized cooperation shall be subject to the approval of the competent authorities of the country or territory concerned. These operations shall be financed with contributions from:

- (a) the Fund, in which case the contribution shall not normally exceed three-quarters of the total cost of each project, or programme, and may not exceed ECU 300 000. The amount representing the Fund's contribution shall be drawn from the grant allocation of the national or regional indicative programme;
- (b) the agents of decentralized cooperation, provided that the financial, technical, material and other resources brought in by such agents is not, as a general rule, less than 25 % of the estimated cost of the project/programme, and
- (c) exceptionally, by the competent authorities of the country or territory concerned, either in the form of financial contribution or through the use of public equipment or the supply of services.

2. The procedures applicable to projects and programmes financed within the framework of decentralized cooperation shall be those laid down in the development finance cooperation chapter, in particular, those referred to in Article 196.

Article 161e

In addition to the possibilities offered to the agents of decentralized cooperation in this section, in Articles 162 and 163 relating to microprojects and in Article 184 (2) (c) on technical cooperation schemes and Article 206 on emergency assistance, the competent authorities may request or may agree to the participation of agents of decentralized cooperation in the implementation of other Fund projects and programmes, in particular, those performed by direct labour, in conformity with Article 205 and other relevant provisions of this Decision.'

Chapter 5

Implementation procedures

Section 1

Programming

Article 187

46. Article 187 is hereby amended as follows:

- the introductory words of paragraph 1, 'At the beginning of the period covered by this Decision' shall be replaced by the words 'At the beginning of the second five-year period covered by this Decision',
- paragraph 3 shall be replaced by the following:

'3. As soon as each country and territory has been notified of the total amount available to it, the competent authorities shall draw up and submit to the Community a draft indicative programme on the basis of, and consistent with, its development objectives and priorities. The draft indicative programme shall contain:

 - (a) the priority development objectives of the country or territory concerned at local and regional levels;
 - (b) the focal sector or sectors on which support should be concentrated, with emphasis on poverty alleviation and sustainable development, and the resources to be deployed for that purpose;
 - (c) the most appropriate measures and operations for attaining the objectives in the focal sector or sectors;
 - (d) wherever possible, specific and clearly identified projects and programmes, and especially those which constitute a follow-up to existing projects and programmes;
 - (e) where appropriate, the amounts set aside for use by the CDI or for the establishment of an EICC, as provided for in Article 48;
 - (f) any proposals for regional projects and programmes;

- (g) a timetable for the implementation of the indicative programme, including commitments and disbursements;
- (h) the reserve set aside for insurance against possible claims, and to cover cost increases and contingencies.'

Article 188

47. Article 188 shall be replaced by the following:

'Article 188

1. The draft indicative programme shall be the subject of an exchange of views between the relevant authorities of the country or territory concerned and the Community, due regard being given to the local needs of the country or territory; the indicative programme shall then be adopted by agreement between the Community and the relevant authorities of the country or territory concerned on the basis of the draft indicative programme proposed by those authorities.

2. The indicative programme shall specify all the elements referred to in Article 187 (3) and, where the country or territory has a sufficiently large indicative amount, shall allocate 70 % of the indicative amount.

3. The indicative programme shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives and to take account of any changes occurring in the economic situation, priorities and objectives of the country or territory concerned. It may be revised at the request of the country or territory.

In the case of OCTs referred to in paragraph 2, it shall be reviewed when the country or territory concerned has achieved a high level of commitments in the implementation of the programme and, in any case not later than three years after the entry into force of the second five years of application of this Decision.

4. At the end of the review referred to in the second subparagraph of paragraph 3, the resources required for completing the implementation of the indicative programme may be allocated giving due consideration to:

- (a) the indicative allocation;
- (b) progress made in the implementation of the elements of the programme referred to in Article 187 (3) and the agreed timetable of commitments and disbursements, in the light of the annual reports of the head of delegation and of the Local Authorizing Officer referred to in Article 190 (3);
- (c) the state of preparation of the activities the competent authorities of the country or territory concerned intend to undertake within the framework of the second phase of the indicative programme, and

- (d) the specific situation of the country or territory concerned.

5. Following the review referred to in paragraphs 3 and 4 above and, in any case, not later than the end of the period laid down in Article 154a, any unallocated resources remaining from the programmable resources shall be used for financing operations falling within the scope of development finance cooperation, notably those relating to programmable assistance.'

Article 189

48. Article 189 shall be replaced by the following:

'Article 189

The Community and the competent authorities of the OCT shall take all necessary measures to ensure that indicative programmes are adopted in the shortest possible time and, save in exceptional circumstances, within one year of the entry into force of this revised Decision.'

Section 2

Identification, preparation and appraisal of projects

Article 193

49. In Article 193 (2), the following point shall be added:
- '(i) the compatibility with the OCTs' trade policies and trade development programmes and the impact on their competitiveness in the domestic, regional, international and Community markets.'

Section 3

Financing proposals and decisions

Article 196

50. Article 196 shall be replaced by the following:

'Article 196

1. With a view to expediting procedures and in derogation from the provisions set out in Articles 194 and 195, financing decisions may deal with multi-annual programmes where financing concerns:

- (a) training;
- (b) decentralized operations;
- (c) microprojects;
- (d) trade promotion and trade development;
- (e) sets of operations of a limited scale in a specific sector;
- (f) project/programme management support;
- (g) technical cooperation;
- (h) use of the services of the CDI or the establishment of an EICC;
- (i) implementation of the Commission/Member State/OCT partnership arrangement.

2. In cases referred to in paragraph 1, the competent authorities of the OCT concerned may submit to the head of delegation a multiannual setting out the broad outlines, the types of actions envisaged and the financial commitment proposed.

The financing decision on each multiannual programme shall be taken by the Chief Authorizing Officer. The letter from the Chief Authorizing Officer to the Local Authorizing Officer notifying such a decision shall constitute the financing agreement within the meaning of Article 197.

Within the framework of multiannual programmes thus adopted, the OCT Authorizing Officer or, when the case arises, the agent of decentralized cooperation which has been delegated functions for this purpose or, in appropriate cases, other eligible beneficiaries shall implement each individual action in accordance with the relevant provisions of this Decision and the terms of the financing agreement referred to in the second subparagraph. Where the implementation is to be carried out by decentralized agents or other eligible beneficiaries, the Local Authorizing Officer

and the Head of Delegation shall maintain financial responsibility and monitor the operations regularly with a view to enabling them, *inter alia*, to carry out their obligations pursuant to paragraph 3.

3. At the end of each year, the Local Authorizing Officer in consultation with the Head of Delegation, shall forward a report to the Commission on the implementation of the programmes.'

TITLE IV

GENERAL PROVISIONS FOR THE LEAST-DEVELOPED OCTS

Article 230

51. In Article 230 (1), the following shall be added:
'— Saint-Pierre-et-Miquelon.'

Article 231

52. In Article 231, the following point shall be inserted:
'7a. Stabex — Article 121 (5).'

E. PART FOUR

PROVISIONS RELATING TO ESTABLISHMENT AND SERVICES

Article 232

53. Article 232 shall be replaced by the following text:

'Article 232

1. As regard the arrangements applicable to establishment and provision of services, in line with Article 132 (5) of the Treaty and subject to paragraphs 2 and 3 of this Article:

- each Member State shall treat nationals and companies or enterprises of the OCTs for which it does not have responsibility on a non-discriminatory basis,
- the relevant authorities of the OCTs shall treat nationals and companies or enterprises of Member States on a non-discriminatory basis.

2. The relevant authorities of a country or territory may, however, adopt regulations to aid their inhabitants and local activities in derogation from the rules normally applicable to nationals, companies or enterprises of all Member States as long as such derogations are confined to sensitive sectors of the OCTs' economy and are intended to promote or support local employment.

- (a) Such derogations may be granted by the Commission at the request of the relevant authorities of the country or territory concerned and after

consultation within the framework of the partnership provisions of Articles 234 to 236.

- (b) Such a request must be accompanied by reasons indicating in particular the sectors concerned, the duration and other procedures envisaged. It shall be notified to the Commission, which shall inform the Member States and take a decision within three months. If the Commission has not acted within that period, the derogation shall be deemed to have been approved.

- (c) Such derogations shall be published in the *Official Journal of the European Communities*.

3. If a Member State is not bound under Community law, or else national law, to accord non-discriminatory treatment for a given activity to inhabitants of a country or territory who are nationals of a Member State or enjoy a legal status specific to a country or territory, or for companies or enterprises established in a country or territory and covered by the definition in Article 233, the authorities of that country or territory shall not be bound to accord such treatment.'

54. The following Article shall be inserted:

'Article 233a

1. The Community shall apply to the OCTs the undertakings under the General Agreement on Trade in Services (GATS) under the conditions laid down in the said Agreement and in accordance with this Decision.

2. As regards the arrangements governing trade in services, the OCTs shall afford nationals, companies or enterprises of the Member States treatment that is no less favourable than that which they extend to nationals, companies or enterprises of third countries.'

55. The following Article shall be inserted:

'Article 233b

1. With a view to the ultimate recognition of professional qualifications acquired in the OCTs, the Commission and the Member States concerned shall start work with a view to producing a list of profes-

sional qualifications acquired in the OCTs by OCT nationals that could be recognized in the Member States as long as these qualifications comply with the minimum training levels required by the Community.

The qualifications in question concern only the professions of doctor, dentist, midwife, general nurse, pharmacist and veterinary surgeon.

2. The list of professional qualifications referred to in paragraph 1 shall be established by the Council, acting unanimously on the basis of a Commission proposal in respect of a future Decision on the association of the OCTs with the European Community.'

F. PART FOUR a

COMMUNITY PROGRAMMES FOR INDIVIDUALS

56. The following Article shall be inserted:

'Article 233c

The following programmes shall apply to OCT nationals, within the framework of the quota of their Member State:

1. Education and training programmes:

- (a) Leonardo, set up by Council Decision 94/819/EC of 6 December 1994⁽¹⁾,
- (b) Socrates, set up by Decision No 819/95/EC of the European Parliament and of the Council of 14 March 1995⁽²⁾,
- (c) Youth for Europe III, set up by Decision No 818/95/EC of the European Parliament and of the Council of 14 March 1995⁽³⁾.

2. Business programmes:

- (a) Interprise,
- (b) Europartenariat,
- (c) BC-NET (Business Cooperation Network),
- (d) BCC (Business Cooperation Centre),
- (e) Artisanat,
- (f) Euromanagement,
- (g) Seed capital, set up by Council Decision 97/15/EC of 9 December 1996⁽⁴⁾.

3. Research, development and innovation programmes:

- (a) INFO 2000, set up by Council Decision 96/339/EC of 20 May 1996⁽⁵⁾,

- (b) telematic applications, set up by Council Decision 94/801/EC of 23 November 1994 adopting a specific programme for research and technological development, including demonstration, in the field of telematics applications of common interest (1994 to 1998)⁽⁶⁾,

- (c) innovation, set up by Council Decision 94/917/EC of 15 December 1994⁽⁷⁾.

4. Cultural and audiovisual programmes:

- (a) MEDIA II, development and distribution, set up by Council Decision 95/563/EC of 10 July 1995⁽⁸⁾ and MEDIA II, training set up by Decision 95/564/EC of 22 December 1995⁽⁹⁾,
- (b) Kaleidscope, set up by Decision No 719/96/EC of the European Parliament and of the Council of 29 March 1996⁽¹⁰⁾,
- (c) film festivals⁽¹¹⁾.

5. The H RTP Japan programme (human resources training programme in Japan) and topical missions, set up by Council Decision of 18 May 1992⁽¹²⁾.

⁽¹⁾ OJ L 340, 29. 12. 1994, p. 8.

⁽²⁾ OJ L 87, 20. 4. 1995, p. 10.

⁽³⁾ OJ L 87, 20. 4. 1995, p. 1.

⁽⁴⁾ OJ L 6, 10. 1. 1997, p. 25.

⁽⁵⁾ OJ L 129, 30. 5. 1996, p. 24.

⁽⁶⁾ OJ L 334, 22. 12. 1994, p. 1.

⁽⁷⁾ OJ L 361, 31. 12. 1994, p. 101.

⁽⁸⁾ OJ L 321, 30. 12. 1995, p. 25.

⁽⁹⁾ OJ L 321, 30. 12. 1995, p. 33.

⁽¹⁰⁾ OJ L 99, 20. 4. 1996, p. 20.

⁽¹¹⁾ OJ C 176, 10. 6. 1997, p. 40. Established for the current year by the call for proposals of 15 October 1997.

⁽¹²⁾ OJ L 144, 26. 5. 1992, p. 19.'

G. PART FIVE

COMMISSION/MEMBER STATE/OCT PARTNERSHIP

Article 234

57. Article 234 shall be replaced by the following:

'Article 234

Community action shall be based on close consultation between the Commission, the Member State responsible for a country or territory and the relevant local authorities of such countries or territories. Such consultations shall hereinafter be referred to as "partnership".'

Article 235

58. Article 235 shall be replaced by the following:

'Article 235

1. Partnership shall cover the programming, preparation, financing, monitoring and evaluation of operations carried out by the Community pursuant to this Decision, and any problem arising in relations between the OCTs and the Community.

2. To this end, working parties of the OCT association, of an advisory nature and made up of the three partners referred to in Article 234, shall be set up either on the basis of geographical area or by group of OCTs under the responsibility of a single Member State, notably at the request of the OCT concerned. These working parties shall be set up:

- on an *ad hoc* basis to deal with specific problems, or
- on a permanent basis, if possible annual, for the remainder of the period covered by this Decision.

3. The Commission shall chair the working parties. A representative of the Bank shall be present at meetings when matters concerning it are on the agenda.

The expenses incurred by the OCTs in attending partnership meetings may be covered by a financial contribution under the territorial or regional programmes of the European Development Fund at the request of the relevant authorities of the OCTs concerned, in accordance with the procedures laid down in Title III of this Decision concerning development financing cooperation.'

H. ANNEX II

CONCERNING THE DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS AND METHODS OF ADMINISTRATIVE COOPERATION

59. In Article 3 (2), point (d) shall be replaced by the following:

'(d) "customs value" shall be understood as meaning the value established in accordance with the 1994 Agreement on the implementation of Article VII of the General Agreement on Tariffs and Trade (World Trade Organization Agreement on customs value).'

'KAKSOISKAPPALE'.

*Article 21***Form EUR.2**

60. In Article 6, paragraph 4 shall be replaced by the following:

'4. Without prejudice to Articles 108a and 108b, paragraphs 2 and 3 shall apply to any working or processing carried out in the OCTs, including the operations listed in Article 3 (3).'

63. In Article 21 (2), first line, the date '30 April 1991' shall be replaced by '30 April 1997'.

64. In Article 21 (2), fourth line, the date '1 October 1988' shall be replaced by '1 October 1994'.

*Article 30***Derogations**

61. In Article 13, the following terms shall be added to paragraph 3:

'ANNETTU JÄLKIKÄTEEN', 'UTFÄRDAT I EFTERHAND'.

*Article 14***Issue of a duplicate certificate EUR. 1**

62. In Article 14, the following term shall be added:

65. In Article 30 (8), point (a) shall be replaced by the following:

'(a) The Council and the Commission shall take all the necessary measures to ensure that a decision is taken promptly and in any case not later than 60 working days after receipt of the request by the chairman of the Customs Code Committee — Origin Section. In this context, Decision 90/523/EEC shall apply *mutatis mutandis* to the OCTs.'

66. In Article 30, paragraph 10 shall be replaced by the following:

'10. Should a derogation cause serious disturbance in sectors of activity of some regions of the Community, it shall be re-examined in accordance with the procedure set out in Article 249 of Council Regulation (EEC) No 2913/92 (*), without prejudice to the emergency measures that the Commission is authorized to take.

Following this examination, the decision may be amended or revoked.

(*) OJ L 302, 19. 10. 1992, p. 1.'

TITLE IV

CEUTA AND MELILLA

67. In Title IV of Annex II, 'Canary Islands, Ceuta and Melilla', and in Article 31, of which this Title consists, all references to the 'Canary Islands' shall be deleted.

J. ANNEX V

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68. Annex V shall be deleted.

Article 2

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

However the commitments provided for in Article 154a shall not apply before the date of the entry into force of the Internal Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 24 November 1997.

For the Council

The President

J. POOS

**Information on the entry into force of the Convention on Temporary Admission
and accepting its Annexes ⁽¹⁾**

The Convention on Temporary Admission and accepting its Annexes which the Council decided to conclude on 15 March 1993, entered into force on 18 September 1997, the procedures laid down in Article 2 of the Decision concerning the Convention's conclusion having been completed on 18 June 1997.

⁽¹⁾ OJ L 130, 27. 5. 1993, p. 1.

COMMISSION

COMMISSION DECISION

of 21 November 1997

amending Decision 93/73/EEC concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia

(Text with EEA relevance)

(97/804/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EEC⁽²⁾, and in particular Article 5 (2) thereof,

Whereas the Commission, by Decision 93/73/EEC⁽³⁾, has granted the status of approved continental and coastal zone for infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) to Ireland;

Whereas on 3 July 1997, the Irish authorities have reported a case of VHS at Cape Clear Island;

Whereas the Irish authorities have taken the measures necessary to eliminate the disease and to prevent its spread;

Whereas in accordance with the rules laid down in Council Directive 91/67/EEC, the status with regard to VHS of Cape Clear Island must be withdrawn,

Whereas the other parts of Ireland can maintain their approved status;

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

Decision 93/73/EEC is amended as follows:

1. Article 1 is replaced by the following text:

'Article 1

1. Ireland is recognised as approved continental zone and approved coastal zone for fish with regard to IHN.

2. The parts of Ireland referred to in the Annex are recognised as approved continental zone and approved coastal zone for fish with regard to VHS'.

2. The following Annex is added:

'ANNEX

The territory of Ireland excluding Cape Clear Island'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ L 243, 11. 10. 1995, p. 1.

⁽³⁾ OJ L 27, 4. 2. 1993, p. 34.