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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

DECISION No 2535/97/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 1 December 1997

adapting for the second time Decision No 1110/94/EC concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130i (1) and (2) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽⁴⁾, in the light of the joint text approved by the Conciliation Committee on 23 September 1997,

Whereas Article 1 (3) of Decision No 1110/94/EC ⁽⁵⁾ stipulates that not later than 30 June 1996 the European Parliament and the Council shall review the maximum overall amount for Community financial participation in the fourth framework programme with the possibility of increasing it;

Whereas the 1996 annual report on the research and technology development activities of the European Union considers the state of implementation of the fourth frame-

work programme during its first year, demonstrating that available funds in 1995 have been fully committed and that a very high level of interest has been expressed by the research community and industry; whereas this has made it impossible to support some high quality projects;

Whereas the financial perspective of the European Union allows for only limited supplementary funding of the research framework programme;

Whereas assurances have been given by the Commission that the financial supplement, as decided upon, will in any case be limited by the ceiling of heading 3 of the current financial perspective set out in the interinstitutional agreement of 29 October 1993 on budgetary discipline and improvement of the budgetary procedure ⁽⁶⁾, without prejudice to the other priorities in that heading, such as, for example, trans European networks;

Whereas, in order to ensure that research efforts should continue to contribute to the competitiveness of European industry at international level, to the quality of life and to sustainable development, it is appropriate to decide upon further funding for certain specific programmes,

HAVE DECIDED AS FOLLOWS:

Sole Article

1. The maximum overall amount for Community financial participation in the fourth framework programme is hereby increased by ECU 115 million, to be allocated to certain specific programmes of the first activity of the fourth framework programme as set out in Annex I.

⁽¹⁾ OJ C 115, 19. 4. 1996, p. 1 and OJ C 70, 6. 3. 1997, p. 20.

⁽²⁾ OJ C 212, 22. 7. 1996, p. 24.

⁽³⁾ OJ C 337, 11. 11. 1996, p. 55.

⁽⁴⁾ Opinion of the European Parliament of 18 June 1996 (OJ C 198, 8. 7. 1996, p. 27), Council common position of 27 January 1997 (OJ C 111, 9. 4. 1997, p. 88), Decision of the European Parliament of 13 March 1997 (OJ C 115, 14. 4. 1997, p. 135), Decision of the European Parliament of 21 October 1997 and Council Decision of 10 November 1997.

⁽⁵⁾ OJ L 126, 18. 5. 1994, p. 1. Decision as amended by Decision No 616/96/EC (OJ L 86, 4. 4. 1996, p. 69).

⁽⁶⁾ OJ C 331, 7. 12. 1993, p. 1.

2. Decision No 1110/94/EC is hereby amended as follows:

— the first subparagraph of Article 1 (3) shall be replaced by the following:

‘The maximum overall amount for Community financial participation in the fourth framework programme shall be ECU 11 879 million. Of this, ECU 5 449 million shall be for the period 1994 to 1996 and ECU 6 430 million for the period 1997 to 1998.’

— Annex I shall be replaced by the text in Annex II to this Decision.

Done at Brussels, 1 December 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J.-C. JUNCKER

ANNEX I

	Indicative breakdown of the financial supplement between themes and subjects in the specific programmes of the first activity	Amount in ECU million
A.1	Telematics (*) (a) Educational multimedia: experimentation of innovative learning services, research and experimentation on telematics-based services for teacher training; development and validation of advanced multimedia learning materials and services (b) Research to enhance intermodal transport operations and services: telematics applications for intermodal network operations and traffic management, including information and value added services	10 5
A.3	Information technologies (*) (a) Experimentation of IT processes and tools to support distributed concurrent engineering for aeronautical applications (b) Enhancement of multimedia support centres to address educational multimedia; interoperability of learning delivery systems and platforms (c) Development of multisensor data fusion, fingerprint and signature catalogues, and system integration for landmine detection systems	10 2 15
B.4	Industrial and material technologies (*) (a) Technologies for transport means: experimentation of distributed concurrent engineering and processes aimed at reducing aircraft development and fabrication costs (b) Design, engineering, production systems and human management: experimentation of 'on site' treatment and re-use for water-intensive processes, including integrated 'closed-loop' technologies, leading to economies in the use of water and prevention of pollution	10 5
C.6	Environment and climate (*) — Natural environment, environmental quality and global change: strategic research on utilization/pollution impact analysis methods leading to models and tools for sustainable water management — Human dimension of environmental change: research into economic appraisal of investments for 'on site' treatment, re-use and conservation of water	7
D.8	Biotechnology TSE and subacute spongiform encephalopathies with special attention to the infectious agent, detection, diagnostics and treatment using biotechnological approaches; transdisease vaccinology; mucosal immunity and delivery systems	7,5
D.9	Biomedical and health research TSE and subacute spongiform encephalopathies with special attention to research on human SE's, including clinical and epidemiological research, risk assessment, detection, treatment and diagnosis, coordination of national activities; research on vaccines against specific infectious diseases	16
D.10	Agriculture and fisheries TSE and subacute spongiform encephalopathies with special attention to applied research for animals including the use of already developed biotechnological methods and technologies	11,5

	Indicative breakdown of the financial supplement between themes and subjects in the specific programmes of the first activity	Amount in ECU million
F.12	Transport (*) Demonstration of innovative intermodal freight transfer and distribution systems, particularly in urban agglomerations, and of advanced integrated systems for the provision and management of intermodal passenger services	7
E.11	Energy Research and development relating to thin-film cells, integration of renewable energy sources and water management, demonstration in the area of energy savings in the field of transport	9
	Total	115

(*) Individual programme lines within which elements shall be included for automobile research.

ANNEX II

ANNEX I

FOURTH FRAMEWORK PROGRAMME (1994 to 1998)

AMOUNTS AND BREAKDOWN

	ECU million
First activity (research, technological development and demonstration programmes)	10 160 ⁽¹⁾ ⁽²⁾
Second activity (cooperation with third countries and international organizations)	575
Third activity (dissemination and optimization of results)	352 ⁽³⁾ ⁽⁴⁾
Fourth activity (stimulation of the training and mobility of researchers)	792
<i>MAXIMUM OVERALL AMOUNT</i>	11 879

Indicative breakdown of the themes and subjects in the first activity

ECU million
(current prices)

A. Information and communication technologies	3 668
1. Telematics applications	913
2. Communications technologies	671
3. Information technologies	2 084
B. Industrial technologies	2 140
4. Industrial and material technologies	1 833
5. Measurements and testing	307
C. Environment	1 157 ⁽⁵⁾
6. Environment and climate	914
7. Marine sciences and technologies	243
D. Life sciences and technologies	1 709
8. Biotechnology	595,5
9. Biomedicine and health	374
10. Agriculture and fisheries (including agro-industries, food technologies, forestry, aquaculture and rural development)	739,5
E. 11. Non-nuclear energy	1 076
F. 12. Transport	263
G. 13. Targeted socio-economic research	147
	10 160

⁽¹⁾ Of which ECU 639 million for the operational budget of the JRC.⁽²⁾ Of which ECU 96 million for programmed scientific and technical support activities suited to a competitive approach.⁽³⁾ Apart from the funds allocated to the third activity, an average of 1 % of the total budget of the fourth framework programme will be allocated to dissemination and optimization of results in the framework of the first activity. Close coordination of dissemination and optimization activities carried out under the specific programmes of the first activity with those carried out under the third activity will be ensured.⁽⁴⁾ Of which ECU 40 million for *ad hoc* scientific and technical support to other Community policies which will be allocated on a competitive basis.⁽⁵⁾ Environment-related research projects will also be conducted within several other lines of the first activity, in particular in the field of industrial technologies, energy and transport.

COUNCIL REGULATION (EC) No 2536/97

of 16 December 1997

amending Regulation (EEC) No 338/91 determining the Community standard quality of fresh or chilled sheep carcasses and Regulation (EEC) No 2137/92 concerning the Community scale for the classification of carcasses of ovine animals and determining the Community standard quality of fresh or chilled sheep carcasses

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 338/91⁽²⁾ applies until the end of the 1997 marketing year, pending the setting up of Community carcass classification standards; whereas sufficient progress has not been made to permit the replacement of the current Community standard quality by the standards in question; whereas the current standard quality should therefore be retained;

Whereas, in view of the conclusions of the Commission report on the implementation of Regulation (EEC) No 2137/92⁽³⁾, the goal set itself by the Council of making the use of the Community scale compulsory for all Community slaughterhouses approved for intra-Community trade, if possible during the 1999 marketing year and in any event before 1 January 2000, should not for the moment be pursued; and the possibility should, however, be reserved of re-examining this goal on the basis of a report that the Commission shall submit before 31 July 2002;

Whereas in order to facilitate price reporting, Member States should be authorized to subdivide category C in

Annex III of Regulation (EEC) No 2137/92 into two subcategories,

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 2 of Regulation (EEC) No 338/91 shall be deleted.

Article 2

Regulation (EEC) No 2137/92 is hereby amended as follows:

1. the following subparagraph shall be added to Article 3 (3):

'Member States making use of the classification system provided for in Annex III shall be authorized to subdivide category C into two subcategories';

2. Article 9 shall be replaced by the following:

'Article 9

The Commission shall submit a report to the Council, by 31 July 2002 at the latest, on the operation of these arrangements, together with, where necessary, appropriate proposals, in particular with regard to the classification scale for carcasses, with the aim of making the application, if possible, compulsory.'

Article 3

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

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

Done at Brussels, 16 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1589/96 (OJ L 206, 16. 8. 1996, p. 25).

⁽²⁾ OJ L 41, 14. 2. 1991, p. 1. Regulation as last amended by Regulation (EC) No 1278/94 (OJ L 140, 3. 6. 1994, p. 5).

⁽³⁾ OJ L 214, 30. 7. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1278/94.

COMMISSION REGULATION (EC) No 2537/97
of 17 December 1997
establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1997.

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

Done at Brussels, 17 December 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 17 December 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	052	87,9
	204	76,8
	624	276,9
	999	147,2
0707 00 40	052	79,0
	624	134,7
	999	106,8
0709 10 40	220	178,1
	999	178,1
0709 90 79	052	96,3
	204	146,6
	999	121,5
0805 10 61, 0805 10 65, 0805 10 69	052	30,4
	204	46,1
	388	28,5
	448	28,6
	528	44,5
	999	35,6
0805 20 31	052	72,5
	204	54,0
	999	63,3
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	60,7
	464	156,8
	999	108,8
0805 30 40	052	87,0
	400	60,0
	528	36,3
	600	83,4
	999	66,7
	060	48,6
0808 10 92, 0808 10 94, 0808 10 98	064	41,3
	400	91,4
	404	92,0
	512	39,2
	720	62,8
	804	84,0
	999	65,6
	052	97,6
0808 20 67	064	91,9
	400	94,5
	999	94,7

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

COMMISSION REGULATION (EC) No 2538/97

of 17 December 1997

fixing the representative prices and the additional import duties for molasses in the sugar sector

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⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not rep-

resentative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out 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 representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 17 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,32	—	0,00
1703 90 00 ⁽¹⁾	11,26	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 2539/97

of 17 December 1997

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 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) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in 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⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

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, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 17 December 1997.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 17 December 1997 fixing 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	32,91 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,59 ⁽¹⁾
1701 12 90 9910	32,91 ⁽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	39,85
1701 99 10 9950	39,85
	— 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 2540/97
of 17 December 1997**

**fixing the maximum export refund for white sugar for the 20th partial invitation
to tender issued within the framework of the standing invitation to tender
provided for in Regulation (EC) No 1408/97**

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 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 20th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

For the 20th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 42,883 per 100 kilograms.

Article 2

This Regulation shall enter into force on 18 December 1997.

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

Done at Brussels, 17 December 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 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 2541/97
of 16 December 1997

**amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds as regards certain fruit and vegetables**

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables ⁽¹⁾, and in particular Article 35 (11) thereof,

Whereas Commission Regulation (EC) No 2086/97 of 4 November 1997 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽²⁾ provides for amendments to the combined nomenclature in particular as regards tomatoes, oranges, lemons, grapes, apples, peaches and nectarines;

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 2470/97 ⁽⁴⁾, establishes an agricultural product nomenclature for export

refunds based on the combined nomenclature; whereas that nomenclature should be adapted following the above-mentioned amendment;

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

HAS ADOPTED THIS REGULATION:

Article 1

Sector 10 of the Annex to Regulation (EEC) No 3846/87 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1998.

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

Done at Brussels, 16 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 312, 14. 11. 1997, p. 1.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 341, 12. 12. 1997, p. 21.

ANNEX

‘10. Fruit and vegetables

CN code	Description	Product code
ex 0702 00 00	Tomatoes, fresh or chilled: – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 778/83 ⁽¹⁾	0702 00 00 9100
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled:	
	– Almonds:	
ex 0802 12	– – Shelled:	
0802 12 90	– – – Other	0802 12 90 9000
	– Hazelnuts (<i>Corylus</i> spp.):	
0802 21 00	– – In shell	0802 21 00 9000
0802 22 00	– – Shelled	0802 22 00 9000
	– Walnuts:	
0802 31 00	– – In shell	0802 31 00 9000
ex 0805	Citrus fruits, fresh or dried:	
ex 0805 10	– Oranges:	
	– – Sweet oranges, fresh:	
ex 0805 10 10	– – – Sanguines and semi-sanguines:	
	– – – – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0805 10 10 9100
	– – – Other:	
ex 0805 10 30	– – – – Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins:	
	– – – – – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0805 10 30 9100
ex 0805 10 50	– – – – Other	
	– – – – – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0805 10 50 9100
ex 0805 30	– Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):	
ex 0805 30 10	– – Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>):	
	– – – Fresh (“Extra” Class, Class I and Class II) in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0805 30 10 9100
ex 0806	Grapes, fresh or dried:	
ex 0806 10	– Fresh:	
ex 0806 10 10	– – Table grapes:	
	– – – “Extra” Class and Class I in accordance with Regulation (EEC) No 1730/87 ⁽¹⁾	0806 10 10 9100
ex 0808	Apples, pears and quinces, fresh:	
ex 0808 10	– Apples:	
	– – Other:	
ex 0808 10 20	– – – Of the variety Golden Delicious:	
	– – – – Cider apples	
	– – – – Other:	
	– – – – – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0808 10 20 9100
ex 0808 10 50	– – – Of the variety Granny Smith:	
	– – – – Cider apples	
	– – – – Other:	
	– – – – – “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽²⁾	0808 10 50 9100

CN code	Description	Product code
ex 0808 10 90	— — — Other — — — — Cider apples — — — — Other: — — — — — “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 920/89 ⁽¹⁾	0808 10 90 9100
ex 0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:	
ex 0809 30	— Peaches, including nectarines:	
ex 0809 30 10	— — Nectarines: — — — “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 3596/90 ⁽⁴⁾	0809 30 10 9100
ex 0809 30 90	— — Other — — — “Extra” Class, Class I and Class II in accordance with Regulation (EEC) No 3596/90 ⁽⁴⁾	0809 30 90 9100

⁽¹⁾ OJ L 86, 31. 3. 1983, p. 14. Regulation as last amended by Regulation (EC) No 888/97 (OJ L 126, 17. 5. 1997, p. 11).

⁽²⁾ OJ L 97, 11. 4. 1989, p. 19. Regulation as last amended by Regulation (EC) No 888/97.

⁽³⁾ OJ L 163, 23. 6. 1987, p. 25. Regulation as last amended by Regulation (EC) No 888/97.

⁽⁴⁾ OJ L 350, 14. 12. 1990, p. 38. Regulation as last amended by Regulation (EC) No 888/97.

COMMISSION REGULATION (EC) No 2542/97
of 16 December 1997

laying down, for the first half of 1998, detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽³⁾, and in particular Article 5 thereof,

Whereas Regulation (EC) No 3066/95 provides for the opening, for the period 1 July 1997 to 30 June 1998, of a tariff quota for 178 000 live bovine animals weighing 80 kilograms or less originating in Hungary, Poland, the Czech Republic, Slovakia, Romania, Bulgaria, Estonia, Latvia and Lithuania and benefiting from an 80 % reduction in the rate of customs duties;

Whereas, pursuant to Commission Regulation (EC) No 2501/96 of 23 December 1996 laying down, for 1997, detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries⁽⁴⁾, Commission Regulation (EC) No 235/97 of 7 February 1997 determining to what extent applications for import rights for calves not exceeding 80 kilograms lodged pursuant to Regulation (EC) No

2501/96 can be met⁽⁵⁾ allocated the import rights for the total number of livestock available for 1997; whereas similar detailed rules of application should therefore be laid down for a quantity of 89 000 calves for the period 1 January to 30 June 1998;

Whereas experience shows that limiting imports can give rise to speculative import applications; whereas, in order to guarantee that the planned measures function correctly, most of the quantities available should be reserved for so-called traditional importers of live bovine animals; whereas, so as not to introduce rigidity into trade relations in the sector, a second allocation should be made available for operators able to show that they are carrying out a genuine activity involving trade in a significant number of animals; whereas, in consideration of this and in order to ensure efficient management, a minimum of 100 animals should be required to have been exported or imported during 1997 by the operators concerned; whereas a batch of 100 animals in principle constitutes a normal load; whereas experience has shown that the sale or purchase of a single batch is a minimum requirement for a transaction to be considered real and viable; whereas verification of those criteria requires that all applications from the same operator be submitted in the Member State in which the operator is registered in the national VAT register;

Whereas, so as to avoid speculation, access to the quota should be denied to operators no longer carrying out an activity in the beef and veal sector on 1 January 1998;

Whereas the arrangements should be managed using import licences; whereas, to this end, rules should be set on the submission of applications and the information to be given on applications and licences, where necessary by derogation from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁶⁾, as last amended by Regulation (EC) No 1404/97⁽⁷⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of

⁽¹⁾ OJ L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ L 216, 8. 8. 1997, p. 1.

⁽³⁾ OJ L 254, 8. 10. 1996, p. 1.

⁽⁴⁾ OJ L 338, 28. 12. 1996, p. 65.

⁽⁵⁾ OJ L 39, 8. 2. 1997, p. 12.

⁽⁶⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽⁷⁾ OJ L 194, 23. 7. 1997, p. 5.

application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 2469/97 ⁽²⁾; whereas, moreover, it should be stipulated that licences are to be issued following a reflection period and where necessary with a fixed percentage reduction applied;

Whereas the security for import licences under the said quota should be updated and fixed at ECU 5 per head;

Whereas the competent authorities issuing the import licences are not always aware of the origin of the animals imported under the quota in question; whereas that information is important for statistical reasons; whereas, therefore, importers should be obliged to indicate the country of origin next to the quantities in question on the reverse of the import licence;

Whereas Protocol 4 annexed to the Europe Agreements and Protocol 3 annexed to the Free-Trade Agreements have been amended; whereas the new Protocols provide that the proof of origin of animals imported into the Community may be established by a declaration by the exporter under certain conditions or by presentation of an EUR.1 certificate; whereas, therefore, new provisions governing release for free circulation of the animals imported under this Regulation should be introduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

With the exception of imports under tariff quotas for the importation of 169 000 young male bovine animals for fattening and 153 000 live bovine animals weighing between 80 and 300 kilograms, imports into the Community of live bovine animals falling within CN codes 0102 90 05, 0102 90 21, 0102 90 29, 0102 90 41 and 0102 90 49 and referred to in Article 1 (1) (a) of Council Regulation (EEC) No 805/68 ⁽³⁾, originating in the countries listed in Annex I, shall be subject to the management measures laid down in this Regulation.

Article 2

1. Import licences under this Regulation may be issued for the period 1 January to 30 June 1998 only for 89 000 animals falling within CN code 0102 90 05 originating in the countries listed in Annex I.

⁽¹⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽²⁾ OJ L 341, 12. 12. 1997, p. 8.

⁽³⁾ OJ L 148, 28. 6. 1968, p. 24.

The quota shall have the serial number 09.4598.

2. For those animals, the *ad valorem* duty and the specific duties fixed in the Common Customs Tariff (CCT) shall be reduced by 80 %.

3. The quantity referred to in paragraph 1 shall be divided into two parts, as follows:

- (a) the first part, equal to 70 %, i.e. 62 300 head, shall be allocated among importers who can furnish proof of having imported animals falling within CN code 0102 90 05 during 1995, 1996 or 1997 in the context of the Regulations referred to in Annex II;
- (b) the second part, equal to 30 %, i.e. 26 700 head, shall be allocated among importers who can furnish proof of having imported and/or exported during 1997 at least 100 live bovine animals falling within CN code 0102 90 apart from those under (a).

Importers must be registered for VAT purposes in a Member State.

4. The 62 300 head shall be allocated on the basis of applications for import licences among the eligible importers in proportion to their imports of animals within the meaning of paragraph 3 (a) during 1995, 1996 and 1997 proven in accordance with paragraph 6.

5. The 26 700 head shall be allocated among the eligible importers in proportion to the quantities applied for and proven in accordance with paragraph 6.

6. Proof of import and export shall be provided exclusively by means of the customs document of release for free circulation or the export document duly stamped by the customs authorities.

Member States may accept copies of the abovementioned documents duly certified by the issuing authority where the applicant can prove to the satisfaction of the competent authority that he was not able to obtain the original documents.

Article 3

1. Importers who on 1 January 1998 were no longer engaged in any activity in the beef and veal sector shall not qualify for the allocation pursuant to Article 2 (3) (a).

2. Any company formed by the merger of companies each having rights under Article 2 (4) shall enjoy the same rights as the companies from which it was formed.

Article 4

1. Applications for the right to import may be presented only in the Member State in which the applicant is registered within the meaning of Article 2 (3).

2. For the purposes of Article 2 (3) (a), importers shall present the applications for the right to import to the

competent authorities together with the proof referred to in Article 2(6) by 14 January 1998 at the latest.

After verification of the documents presented, Member States shall forward to the Commission, by 28 January 1998 at the latest, the list of importers who meet the acceptance conditions, showing in particular their names and addresses and the number of eligible animals imported during each of the reference years.

3. For the purposes of Article 2(3)(b), applications for the right to import must be lodged by importers by 14 January 1998 at the latest, together with the proof referred to in Article 2(6).

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application all applications from that person shall be inadmissible. Applications may not relate to a quantity larger than that available.

After verification of the documents presented, Member States shall forward to the Commission by 28 January 1998 a list of applicants and quantities applied for.

4. All notifications, including notifications of nil applications, shall be made by telex or fax, drawn up on the basis of the models in Annexes III and IV.

Article 5

1. The Commission shall decide to what extent applications may be accepted.

2. As regards applications under Article 4(3), where the quantities applied for exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the reduction referred to in the preceding subparagraph results in a quantity of less than 100 head per application, the allocation shall be made by drawing lots, by batches of 100 head, by the Member States concerned. If the remaining quantity is less than 100 head, it shall constitute a single batch.

Article 6

1. Imports of the quantities allocated in accordance with Article 5 shall be subject to the presentation of an import licence.

2. Licence applications may be presented only in the Member State in which the application for the right to import was lodged.

3. Licences shall be issued at the request of importers.

4. Licence applications and licences shall contain the following entries:

(a) in Section 8, the indication of the countries referred to in Annex I; licences shall carry with them an obligation to import from one or more of the countries indicated;

(b) in Section 16, subheading CN 0102 90 05;

(c) in Section 20 the serial number 09.4598 and at least one of the following:

- Reglamento (CE) n° 2542/97
- Forordning (EF) nr. 2542/97
- Verordnung (EG) Nr. 2542/97
- Κανονισμός (ΕΚ) αριθ. 2542/97
- Regulation (EC) No 2542/97
- Règlement (CE) n° 2542/97
- Regolamento (CE) n. 2542/97
- Verordening (EG) nr. 2542/97
- Regulamento (CE) n° 2542/97
- Asetus (EY) N:o 2542/97
- Förordning (EG) nr 2542/97.

5. Import licences issued pursuant to this Regulation shall be valid for 90 days from their date of issue. However, no licences shall be valid after 30 June 1998.

6. Licences issued shall be valid throughout the Community.

7. Article 8(4) of Regulation (EEC) No 3719/88 shall not apply.

Article 7

The animals shall qualify for the duties referred to in Article 1 on presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements and Protocol 3 annexed to the Free Trade Agreements or of a declaration drawn up by the exporter in accordance with those Protocols.

Article 8

Notwithstanding Article 4 of Regulation (EC) No 1445/95, importers must, when they submit their import licence applications, lodge a security of ECU 5 per head to cover the import licences.

Article 9

Each time quantities are charged against import licences or extracts thereof, according to Article 22 of Regulation (EEC) No 3719/88, the country of origin must be indicated in column 31.

Article 10

Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to the provisions of this Regulation.

Article 11

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

It shall apply from 1 January 1998.

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

Done at Brussels, 16 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of third countries**

- Hungary
 - Poland
 - Czech Republic
 - Slovakia
 - Romania
 - Bulgaria
 - Lithuania
 - Latvia
 - Estonia.
-

*ANNEX II***Regulations referred to in Article 2 (3)(a)**

Commission Regulations:

- (EC) No 3076/94 (OJ L 325, 17. 12. 1994, p. 8),
 - (EC) No 1566/95 (OJ L 150, 1. 7. 1995, p. 24),
 - (EC) No 2491/95 (OJ L 256, 26. 10. 1995, p. 36),
 - (EC) No 3018/95 (OJ L 314, 28. 12. 1995, p. 58),
 - (EC) No 403/96 (OJ L 55, 6. 3. 1996, p. 9),
 - (EC) No 1110/96 (OJ L 148, 21. 6. 1996, p. 15),
 - (EC) No 1462/96 (OJ L 187, 26. 7. 1996, p. 34),
 - (EC) No 2501/96 (OJ L 338, 28. 12. 1996, p. 65).
-

ANNEX III

Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 4 (2) of Regulation (EC) No 2542/97

Serial No 09.4598

EUROPEAN COMMISSION

DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

Date: Period:

Member State:

[illegible]

Member State: Fax:

Tel.:

(¹) Continuous numbering.

ANNEX IV

EC Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 4 (3) of Regulation (EC) No 2542/97

Serial No 09.4598

EUROPEAN COMMISSION

DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

Date: Period:

Member State:

Number of applicant (!)	Applicant (name and address)	Quantity (head)
Total		

Member State: Fax:

Tel.:

(¹) Continuous numbering.

COMMISSION REGULATION (EC) No 2543/97

of 15 December 1997

amending Regulation (EEC) No 3201/90 laying down detailed rules for the description and presentation of wines and grape musts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2087/97 ⁽²⁾, and in particular Article 72 (5) thereof,

Whereas Council Regulation (EEC) No 2392/89 ⁽³⁾, as last amended by Regulation (EC) No 1427/96 ⁽⁴⁾, lays down general rules for the description and presentation of wines and grape musts;

Whereas Commission Regulation (EEC) No 3201/90 ⁽⁵⁾, as last amended by Regulation (EC) No 1472/97 ⁽⁶⁾, lays down detailed rules for the description and presentation of wines and grape musts;

Whereas Austrian legislation recognizes a series of supplementary traditional terms used for quality wines psr from that country; whereas it should be possible for those terms to be used optionally on labels for those wines and so they should be included in Article 3 (3) (h);

Whereas certain varieties of vine or their synonyms use in their designations geographical indications to which they are not entitled, apart from to the name of the variety; whereas, in order to avoid the incorrect use of these geographical names and hence confusion to consumers, it is necessary to ensure that no reference to that origin is authorized;

Whereas, in view of a request from South Africa, there should be provision for wines from that country derived from only two varieties to be able to bear the name of those two varieties when they are marketed in the Community;

Whereas terms relating to a method of producing quality wines psr recognized in Spain and Italy have been notified by those two countries; whereas, so that those terms

may be used optionally on labels for wine, they should be included in Article 14 (3) (c) and (d);

Whereas references to the ageing of wines in the case of quality wines produced in a specified region (psr) have been recognized in Austria; whereas, so that those references can be used optionally on labels for those wines, they should be included in Article 17 (2) (c) (i);

Whereas Germany and Italy have requested that new synonyms traditionally used in those countries should be added to Annex III to Regulation (EEC) No 3201/90; whereas those requests should be accepted;

Whereas Argentina and Romania have requested adjustments to Annex IV to Regulation (EEC) No 3201/90 concerning the list of new varieties of vine used in those countries; whereas those requests should be accepted;

Whereas, although information on the natural conditions for growing the vines that have produced the wine should appear on a label outside the field of vision encompassing the label containing the compulsory information, there should be a derogation from this general rule so that certain references traditionally used in Germany may appear on the main label;

Whereas the Federal Republic of Yugoslavia and Zimbabwe have requested that those countries should be added to the list of non-member countries in Annexes I, II and IV to Regulation (EEC) No 3201/90; whereas that request should be accepted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3201/90 is hereby amended as follows:

1. the following point (h) is added to Article 3 (3):

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 1.

⁽³⁾ OJ L 232, 9. 8. 1989, p. 13.

⁽⁴⁾ OJ L 184, 24. 7. 1996, p. 3.

⁽⁵⁾ OJ L 309, 8. 11. 1990, p. 1.

⁽⁶⁾ OJ L 200, 29. 7. 1997, p. 18.

(h) *for Austrian quality wines psr:*

- “Selection”,
- “Selektion”,
- “Auswahl”,
- “Ausstich”,
- “Classic”,
- “Classique”,
- “Klassik”,
- “Erste Wahl”,
- “Tradition”,
- “Hausmarke”, or “Jubiläumswein”,

including when used in conjunction with “Alte” or “Kellermeister”;

2. the following paragraph 5 is added to Article 12:

‘5. Where the name of a vine variety is composed of or includes a geographical indication to which the wine is not entitled, apart from the name of that variety no other reference to that geographical indication in any form is permitted.’;

3. in Article 13 (2) (a), ‘South Africa’ is added after ‘Argentina’;

4. in Article 14 (3):

1. in point (c)

(1) the following indent is added:

‘— “Strohwein”;

(2) the following sentence is added to the last subparagraph:

‘The term “Strohwein” may be used only for quality wines psr from the province of Bolzano.’;

2. in point (d):

(1) the following indents are added:

- ‘— “Fondillón”,
- “Rancio”;

(2) the following subparagraph is added:

‘The term “Fondillón” is reserved for Alicante quality wines psr.’;

5. in the first subparagraph of Article 17 (2):

1. ‘Notwithstanding paragraph 1,’ is replaced by ‘Notwithstanding paragraphs 1 and 1a,’;

2. the following indent is added to point (b):

‘— “Steillagenwein”, “Steillage”, “Terrassenlagenwein” and “Terrassenlage” when they are used to designate a German table wine or quality wine psr in accordance with the German provisions concerning their use.’;

3. the following indent is added to point (c) (i):

‘— “Barrique” or “im Barrique gereift” for Austrian quality wines psr provided that the Austrian provisions regarding the use of these terms are observed.’;

6. Annexes I, II, III and IV are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

I. Annex I to Regulation (EEC) No 3201/90 is amended as follows:

1. after Section '18. MOLDOVA', the following Section 19 is added:

'19. FEDERAL REPUBLIC OF YUGOSLAVIA

- stona vina,
- stona vina sa geografskim poreklom,
- kvalitetna vina sa geografskim poreklom,
- vrhunska ili cuvena vina sa geografskim poreklom,
- kontrolisano poreklo,
- sopstvena berba,
- arhivsko vino,
- kasna berba,
- berba suvih bobica-suvarak,
- mlado vino'.

II. Annex II is amended as follows:

1. in Part A.2, after Section '10. URUGUAY', the following Section is added:

'11. ZIMBABWE';

2. in Part B, after Section '7. UKRAINE', the following Section is added:

'8. FEDERAL REPUBLIC OF YUGOSLAVIA'.

III. Annex III is amended as follows:

1. in Section '1. GERMANY', in the column 'Accepted synonyms in general' and following 'Lemberger', the 'Blaufränkisch' is added;

2. in Section '5. ITALY', the following names of varieties and accepted synonyms are added:

'Name of the vine variety used in the classification of vine varieties for the administrative unit concerned	Accepted synonyms — in general
Malvasia	Roter Malvasia (*), Malvasier (*)
Portoghese	Blauer Portugieser (*), Portugieser (*)
Sylvaner Verde	Grüner Sylvaner (*), Sylvaner (*), Silvaner (*)
Schiava gentile	Kleinvernatsch (*), Mittervernatsch (*)
Schiava grossa	Großvernatsch (*), Edelvernatsch (*)

(*) Accepted only for quality wines psr and table wines prepared from grapes harvested in the province of Bolzano.'

IV. Annex IV is amended as follows:

1. in Section '3. ARGENTINA':

(a) the following varieties and synonyms are added:

List of varieties accepted in the Community	Accepted synonyms
'Barbera Bastardo Bequignol	Trousseau

List of varieties accepted in the Community	Accepted synonyms
Fer	
Gibi	
Greco Nero	Greconero
Joubertin	
Lambrusco maestri	
Macabeo	
Meunier	Pinot Meunier
Monastrell	Mourvedre
Moscatel Rosado	
Moscatel de Alejandria	Zibibbo, Moscatel
Pinot Negro	Pinot Noir
Prosecco	Proseco
Raboso	
Riesling	
Saint Jeannet	
Tempranillo	
Sauvignonasse	
Viognier	Vionnier'
Zinfandel	

(b) the following synonyms are added:

List of varieties accepted in the Community	Accepted synonyms
[Chenin]	'Chenin Blanc
[Sauvignon]	Sauvignon Blanc
[Cinzaut]	Cinsault, Cinsaut
[Dolcetto]	Dolcetto Nero
[Pinot blanco]	Pinot Blanc, Pinot Blanco
[Sangiovese]	Sangiovese
[Sylvaner]	Silvaner
[Syrah]	Petit Syrah, Balsamina
[Pedro Ximenez]	Pedro Giménez, Pedro Gimenez
[Gewürztraminer]	(Traminer aromático)
[Malbeck]	Malbec
[Torrontés mendocino]	Palet
[Muscat blanc]	Moscato bianco, Muscat Blanc
[Petit Verdot]	Verdot'

(c) the following varieties are deleted:

List of varieties accepted in the Community	Accepted synonyms
'Balsamina Canela Grignolino Lambrusco Pinot gris Sangiovetto piccolo Verdot Loca blanca'	

(d) the following synonym is deleted:

List of varieties accepted in the Community	Accepted synonyms
[Muscat blanc]	'Moscatel sanjuanino'

2. Section '15. ROMANIA' is replaced by the following:

List of varieties accepted in the Community	Accepted synonyms
'15. ROMANIA Aligoté Babeasca neagra Kekfrankos Busuioaca de Bohotin, Busuioaca Cabernet Sauvignon Cadarca Chardonnay Columna Creată Feteasca alba Feteasca neagra Feteasca regala Francusa Furmint Galbena de Odobesti, Galbena Grasa Majarca, Majarca alba Merlot Muscat Ottonel Mustoasa Neuburger Portugieser	 Grossmuttertraube, Hexentraube Grossburgunder, Blauer Limberger, Limberger, Blaufränkisch, Frankovka Schwarzer Muscat — Schwarzer Kadarka, Rubinroter Kadarka — — Zackelweiss Mädchentraube, Leányka, Leanka Schwarze Mädchentraube Königliche Mädchentraube, Königsast, Kirá- lyleánka Mildweisser — — Dicktraube Slancamenca — — Mustafer, Staftraube — Blauer Portugieser, Portugais Bleu

List of varieties accepted in the Community	Accepted synonyms
Pinot gris	Rülander, Grauburgunder, Grauer Burgunder, Grauer Mönch, Pinot Grigio
Pinot noir	Spätburgunder, Blauer Spätburgunder, Pinot nero
Plavaie	—
Riesling italien	Welschriesling, Olasz Riesling, Olaszrizling
Riesling	Weisser Riesling, White Riesling
Rkatiteli	—
Rosioara	Pamid
Sangiovese	—
Sauvignon, Sauvignon blanc	—
Steinschiller	Rosentraube, Kövidinka
Sarba	—
Tamaiosa romaneasca	Rumänische Weihrauchtraube, Tamianka
Traminer roz	Gewürztraminer, Rosentraminer
Zghihara de Husi	—
Zweigelt	Blauer Zweigelt'

3. after Section 33, Section '34. FEDERAL REPUBLIC OF YUGOSLAVIA' is added:

List of varieties accepted in the Community	Accepted synonyms
'34. F.R. YUGOSLAVIA	
Alicante Henri Bouschet	Alikant Buse
Bagrina	Bagrina crvena, Braghina
Burgundac beli	Pinot blanc, Pinot bianco, Weisser Burgunder
Burgundac sivi	Pinot gris, Pinot grigio, Rulandec, Rülander
Burgundac crni	Pinot noir, Blauer Burgunder, Spätburgunder
Buvijeova ranka	Bouvie Chasselas, Sasla Buvije
Ezerjo	Tausendgut
Frankovka	Blau Fränkische, Francsionien noir, Frankovka crna, Modra frankinja
Game crni	Gamay noir, Gamay nero, Game obican
Game bojadiser	Gamay tenturier, Bojadiserka
Kaberne fran	Cabernet franc
Kaberne sovinjon	Cabernet sauvignon
Kevedinka	Crvena dinka, Crvena ruzica
Krajinski bojadiser	—
Kreaca	Zakelweiss, Banatski rizling
Krstac	Krstac bijeli
Kratosija	Gratosija
Merlo	Merlot, Merlaut, Merlo crni
Muskat otonel	Muskat ottonel, Mirisavka
Muskat krokan	—
Muskat beli	Gelber Muscateller, Muskat zuti, Muskat rumeni

List of varieties accepted in the Community	Accepted synonyms
Muskat Hamburg	Mouscat Hamburg, Moscato di Amburgo
Moslavac	Furmint, Sipon
Laski rizling	Grasevina
Rizling rajnski	Weisser Riesling, Riesling renano, Riesling White, Rajnski rizling, Renski rizling
Rizvanac	Müller Thurgau, Rizvaner, Rizvanec
Rkaciteli	Rkaciteli beli
Plovdina	Slankamenka crvena
Prokupac	Procupac crni, Kamenicarka, Rskavac
Portugizac	Portugieser Blauer, Portugizac crni, Portugizac rani
Semijon	Semillon blanc, Semillon white, Semijon bel
Skadarka	Kadarka, Gamza
Silvanac zeleni	Silvaner vert, Silvaner
Smederevka	Smederevka bela, Belina, Dimjat
Sovinjon	Sauvignon blanc, Sauvignon white, Sovinjon beli
Sardone	Chardonnay
Sasla bela	Chasselas blanc, Chasselas white, Weisser Gutedel, Plemenka
Tamjanika bela	Tamjanika
Traminac crveni	Sauvignon rose, Roter Traminer, Traminer red
Traminac mirisavi	Gewürztraminer, Traminer aromatico, Traminac sivi
Vranac	Vranac crnogorski, Vranac, Prhljavac
Zacinak	Zacinjak, Krajinsko crno
Zametna crnina	Kölner blauer, Zametovka, Kavcina
Zupski bojadiser	—
Zupljanka	—
Zilavka	Zilavka'

4. after Section 34, Section '35. ZIMBABWE' is added:

List of varieties accepted in the Community	Accepted synonyms
'35. ZIMBABWE	
Chardonnay	
Chenin Blanc	
Cinsault	
Clairette Blanche	
Colombar	
Gewürztraminer	
Merlot	
Pinotage	
Pinot Noir	
Sauvignon Blanc	
Shiraz	
Weisser Riesling'	

COMMISSION REGULATION (EC) No 2544/97**of 16 December 1997**

initiating a 'new exporter' review of Council Regulation (EC) No 2160/96 imposing a definitive anti-dumping duty on imports of polyester textured filament yarn originating, *inter alia*, in Indonesia, repealing the duty with regard to imports from an exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Council Regulation (EC) No 2331/96⁽²⁾, and in particular Article 11 (4) thereof,

After consulting the Advisory Committee,

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'). The application was lodged by PT Polyfin Canggih, Indonesia, an exporter in Indonesia which claims it did not export the product concerned during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 July 1993 to 30 June 1994 (hereinafter referred to as 'the original investigation period').

B. PRODUCT

- (2) The product concerned is polyester textured filament yarn falling within CN codes 5402 33 10 (synthetic textured filament yarn of poylesters measuring, per single yarn, not more than 14 tex (other than sewing thread), not put up for retail sale, including synthetic monofilament of less than 67 decitex) and 5402 33 90 (synthetic textured filament yarn of poylesters measuring, per single yarn, more than 14 tex (other than sewing thread), not put up for retail sale, including synthetic monofilament of less than 67 decitex). These codes are given for information.

- (3) By Regulation (EC) No 2160/96⁽³⁾ the Council imposed, *inter alia*, a definitive anti-dumping duty of 20,2 % on imports of the product concerned originating in Indonesia, with the exception of several companies especially mentioned which are subject to a lesser duty.

D. GROUNDS FOR THE REVIEW

- (4) The applicant, PT Polyfin Canggih, Indonesia, has shown that it is not related to any of the exporters or producers in Indonesia which are subject to the aforementioned anti-dumping measures on the product concerned, and that it started exporting to the Community after the original investigation period.
- (5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment.
- (6) In the light of the above, the Commission concludes that there is sufficient evidence to justify the initiation of a review pursuant to Article 11 (4) of the Basic Regulation with a view to determining the applicant's individual margin of dumping and, should dumping be found, the level of duty to which its imports of the product concerned into the Community should be subject.

E. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (7) Pursuant to Article 11 (4) of the Basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the products concerned originating in Indonesia which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14 (5) of that Regulation, in order to ensure that, should the review result in a determination of dumping in respect of the applicant, anti-dumping

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 289, 12. 11. 1996, p. 14.

duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liability cannot be estimated at this stage of the proceeding.

F. TIME LIMIT

- (8) In the interest of sound administration, a period should be fixed within which interested parties, provided they can show that they are likely to be affected by the results of the investigation, may make their views known in writing and submit supporting evidence. A period should also be fixed, within which interested parties may make a written request for a hearing and show that there are particular reasons why they should be heard.

G. NON-COOPERATION

- (9) It should be noted that in cases in which any interested party refuses access to, or otherwise does not provide, necessary information within the relevant time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 2160/96 is hereby initiated in order to determine if and to what extent imports of polyester textured filament yarn falling within CN codes 5402 33 10 and 5402 33 90, originating in Indonesia, produced and sold for export to the Community by PT Polyfin Canggih, JL Otto Iskandardinata No 18, Bandung, Indonesia, should be subject to the anti-dumping duty imposed by Regulation (EC) No 2160/96.

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

Done at Brussels, 16 December 1997.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 2160/96 is hereby repealed with regard to imports of the product identified in Article 1 (Taric additional code: 8753).

Article 3

The customs authorities are hereby directed, pursuant to Article 14 (5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information within 37 days from the date of transmission of this Regulation to the authorities of the exporting country. Interested parties may also apply to be heard by the Commission within the same time limit. The transmission of a copy of this Regulation to the authorities of the exporting country shall be deemed to have taken place on the third day following its publication in the *Official Journal of the European Communities*.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission,
Directorate-General for External Relations: Commercial
Policy and Relations with North America, the Far East,
Australia and New Zealand,
C100 4/30,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.
Fax: (32 2) 295 65 05,
Telex: COMEU B 21877.

Article 5

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

For the Commission

Leon BRITTAN
Vice-President

COMMISSION REGULATION (EC) No 2545/97

of 17 December 1997

amending Regulation (EC) No 1883/97 opening an invitation to tender for the refund or the tax for the export of common wheat to Ceuta, Melilla and certain ACP States

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

Whereas Commission Regulation (EC) No 1883/97⁽⁵⁾ opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States;

Whereas for economical reasons, it is appropriate to extend the period during which this invitation to tender remains open; whereas Article 4 of Regulation (EC) No 1883/97 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1883/97 is hereby amended as follows:

1. Article 1 (3) is replaced by the following:

'3. The invitation shall remain open until 26 February 1998. During the period of its validity,

weekly awards shall be made for which the quantities and time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.'

2. Article 4 (1) is replaced by the following:

'1. Tenders shall only be admissible if:

— the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the 1997/98 marketing year for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

— they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.'

Article 2

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

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 265, 27. 9. 1997, p. 69.

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

Done at Brussels, 17 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2546/97

of 17 December 1997

laying down to what extent applications for issue of export licences submitted during December 1997 for beef and veal products which may benefit from special import treatment in Canada may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾, as last amended by Regulation (EC) No 2469/97⁽²⁾, and in particular Article 12a (8) thereof,

Whereas Regulation (EC) No 1445/95 lays down, in Article 12a, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EC) No 2051/96⁽³⁾, laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada, as amended by Regulation (EC) No 2333/96⁽⁴⁾;

Whereas Regulation (EC) No 2051/96 fixed the quantities of meat which might be exported on special terms per calendar year; whereas no applications were submitted for export licences for beef and veal for the month of December 1997,

HAS ADOPTED THIS REGULATION:

Article 1

No applications for export licences were lodged for the beef and veal referred to in Regulation (EC) No 2051/96 for the month of December 1997.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Article 12a of Regulation (EC) No 1445/95 during the first five days of the month of January 1998 the total quantity available being 5 000 tonnes.

Article 3

This Regulation shall enter into force on 21 December 1997.

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

Done at Brussels, 17 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽²⁾ OJ L 341, 12. 12. 1997, p. 8.

⁽³⁾ OJ L 274, 26. 10. 1996, p. 18.

⁽⁴⁾ OJ L 317, 6. 12. 1996, p. 13.

COMMISSION REGULATION (EC) No 2547/97

of 17 December 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 35,425 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 31,969 per 100 kilograms in Spain,
- ECU 38,028 per 100 kilograms in Greece,
- ECU 70,875 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 18 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, 17 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2548/97
of 17 December 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1997.

⁽¹⁾ OJ L 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 17 December 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 17 December 1997 fixing the export refunds on olive oil
(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	6,00
1509 10 90 9900	0,00
1509 90 00 9100	4,50
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

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

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

**COMMISSION REGULATION (EC) No 2549/97
of 17 December 1997**

**fixing the maximum export refunds for olive oil for the 3rd partial invitation to
tender under the standing invitation to tender issued by Regulation (EC) No
1978/97**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 3rd partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 15 December 1997.

Article 2

This Regulation shall enter into force on 18 December 1997.

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

Done at Brussels, 17 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 17 December 1997 fixing the maximum export refunds for olive oil for the 3rd partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	11,49
1509 10 90 9900	—
1509 90 00 9100	10,00
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

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

COMMISSION DIRECTIVE 97/71/EC

of 15 December 1997

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals⁽¹⁾, as last amended by Directive 97/41/EC⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin⁽³⁾, as last amended by Directive 97/41/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables⁽⁴⁾, as last amended by Directive 97/41/EC, and in particular Article 10 thereof,

Whereas Directives 93/57/EEC⁽⁵⁾, 94/29/EC⁽⁶⁾, 95/39/EC⁽⁷⁾ and 96/33/EC⁽⁸⁾ amended the Annexes II of Directives 86/362/EEC and 86/363/EEC to establish maximum residue levels for lists of pesticides; whereas, however, certain positions were left open where available data were insufficient to establish maximum levels and interested parties were given the opportunity to generate the missing data within a specified timetable; whereas, if maximum levels are not adopted by the dates specified in footnotes to the lists added to the Annexes II of Directives 86/362/EEC and 86/363/EEC by Directives 93/57/EEC, 94/29/EC, 95/39/EC and 96/33/EC the appropriate lower limit of analytical determination will apply;

Whereas Directives 93/58/EEC⁽⁹⁾, 94/30/EC⁽¹⁰⁾, 95/38/EC⁽¹¹⁾ and 96/32/EC⁽¹²⁾ amended Annex II of Directive 90/642/EEC to establish maximum levels for lists of pesticides; whereas, however, certain positions were left open where available data were insufficient to establish maximum levels and interested parties were given the opportunity to generate the missing data within a specified timetable; whereas, if maximum levels are not adopted by the dates specified in footnotes to the lists added to the Annexes II of Directive 90/642/EEC by Directives 93/58/EEC, 94/30/EC, 95/38/EC and 96/32/EC the appropriate lower limit of analytical determination will apply;

Whereas Member States may set national maximum residue levels where these are not fixed by Directives 86/362/EEC, 86/363/EEC and 90/642/EEC; whereas Member States should set such national levels to reflect their national authorisations of plant protection products containing the relevant active substance and based on sufficient data to ensure that consumers are not exposed to unacceptable levels of pesticide residue;

Whereas Member States' national maximum residue levels which have the effect to prohibit or restrict the putting into circulation of products originating in other Member States are subject to a conciliation procedure set out in Article 5a of Directives 86/362/EEC and 86/363/EEC and in Article 5b of Directive 90/642/EEC under which exceptional provisions apply, including where possible the establishment of a temporary maximum residue level;

Whereas, for cereals and products of plant origin, maximum residue levels reflect the use of minimum quantities of pesticides to achieve adequate protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically

⁽¹⁾ OJ L 221, 7. 8. 1986, p. 37.

⁽²⁾ OJ L 184, 12. 7. 1997, p. 33.

⁽³⁾ OJ L 221, 7. 8. 1986, p. 43.

⁽⁴⁾ OJ L 350, 14. 12. 1990, p. 71.

⁽⁵⁾ OJ L 211, 23. 8. 1993, p. 1.

⁽⁶⁾ OJ L 189, 23. 7. 1994, p. 67.

⁽⁷⁾ OJ L 197, 22. 8. 1995, p. 29.

⁽⁸⁾ OJ L 144, 18. 6. 1996, p. 35.

⁽⁹⁾ OJ L 211, 23. 8. 1993, p. 6.

⁽¹⁰⁾ OJ L 189, 23. 7. 1994, p. 70.

⁽¹¹⁾ OJ L 197, 22. 8. 1995, p. 14.

⁽¹²⁾ OJ L 144, 18. 6. 1996, p. 12.

acceptable, in particular in terms of estimated dietary intake; whereas, for foodstuffs of animal origin, maximum residue levels reflect the consumption of cereals and products of plant origin treated with pesticides resulting in residues in animals and animal products, as well as taking into account the direct consequences of the use of veterinary medicines where appropriate;

Whereas for the pesticides listed in Directives 93/57/EEC and 93/58/EEC undertakings were given by interested parties to generate missing data; whereas the data submitted are under examination by the Commission and the Member States' authorities with a view to preparing the necessary draft amending Commission Directives; whereas the date for closing the open positions in Directives 93/57/EEC and 93/58/EEC should be extended to 31 October 1998 to allow the necessary work and consultations to be finalized;

Whereas all active substances of plant protection products already on the market two years after the date of notification of Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ are to be reviewed in the framework of the re-evaluations of existing active substances provided for in the programme of work set out in Article 8 (2) of the said Directive; whereas the first stage of the examination of the active substances and the plant protection products formulated with them is not yet completed; whereas these examinations and the consequential decisions to be taken are anticipated to have significant effects on authorized uses and thus on maximum residue levels which should be fixed for these pesticides; whereas therefore the deadlines specified in Directives 94/29/EC, 94/30/EC, 96/32/EC and 96/33/EC for the appropriate lower limits of analytical determination to apply where positions have been left open should be prolonged to the date of 1 July 2000, as provided by the Council in Directives 95/38/EC and 95/39/EC, in order to allow the consequences of the available re-evaluation of the authorizations of the pesticides concerned to be taken into account; whereas when the results of re-evaluations become available the Commission should amend the maximum levels fixed for those pesticides and should also fix or amend maximum levels for certain pesticides before 1 July 2000 where the necessary and sufficient information and studies are available and evaluated; whereas a programme of work, which will be communicated to the interested parties, should be established at the latest by 31 March 1998, setting out the deadlines within which such information and studies should be submitted by interested parties to the Commission and the Member States;

Whereas this Directive is in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II of Directive 86/362/EEC:

1. the date '1 January 1998' in footnotes (a), (b) and (c) to the list of pesticide residues introduced by Directive 93/57/EEC should be amended to read '31 October 1998';
2. the date '30 June 1999' in footnotes (a), (b) and (c) to the list of pesticide residues introduced by Directive 94/29/EC should be amended to read 'at the latest 1 July 2000';
3. the date '30 April 2000' in footnotes (a) and (b) to the list of pesticide residues introduced by Directive 96/33/EC should be amended to read 'at the latest 1 July 2000'.

Article 2

In Annex II of Directive 86/363/EEC:

1. the date '1 January 1998' in footnote (a) to the list of pesticide residues introduced by Directive 93/57/EEC should be amended to read '31 October 1998';
2. the date '30 June 1999' in footnote (a) to the list of pesticide residues introduced by Directive 94/29/EC should be amended to read 'at the latest 1 July 2000';
3. the date '30 April 2000' in footnotes (a) and (b) in the list of pesticide residues introduced by Directive 96/33/EC should be amended to read 'at the latest 1 July 2000'.

Article 3

In Annex II of Directive 90/642/EEC:

1. the date '1 January 1998' in footnotes (a), (b), (c) and (d) to the list of pesticide residues introduced by Directive 93/58/EEC should be amended to read '31 October 1998';
2. the date '30 June 1999' in footnotes (a), (b) and (c) to the list of pesticide residues introduced by Directive 94/30/EC should be amended to read 'at the latest 1 July 2000';

⁽¹⁾ OJ L 230, 19. 8. 1991, p. 1.

3. the date '30 April 2000' in footnotes (a), (b), (c) and (d) to the list of pesticide residues introduced by Directive 96/32/EC should be amended to read 'at the latest 1 July 2000'.

Article 4

Member States shall bring into force, not later than 31 December 1997, the laws, regulations or administrative provisions necessary to comply with this Directive.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 November 1997

concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the results of the WTO negotiations on basic telecommunications services

(97/838/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57, 66, 90, 99, 100, 100a and 113, in conjunction with Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

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

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

Whereas the Marrakesh Agreement establishing the World Trade Organization and its related agreements, the Ministerial Decisions and Declarations, including the Ministerial Decision on Negotiations on Basic Telecommunications, as well as the Annex on Telecommunications and the Annex on Negotiations on Basic Telecommunications were approved by Council Decision 94/800/EC of 22 December 1994 ⁽³⁾;

Whereas the overall commitments in basic telecommunications services negotiated by the Commission, on behalf of the European Community and its Member States, constitutes a satisfactory and balanced outcome;

Whereas on 30 April 1996 the Council authorized the Commission to approve, on behalf of the European Community and its Member States, the Decision of the Negotiating Group on Basic Telecommunications and the

WTO Council for Trade in Services adopting the Fourth Protocol to the General Agreement on Trade in Services and the Decision of the Council for Trade in Services on Commitments in Basic Telecommunications;

Whereas on 14 February 1997 the Council authorized the Commission to submit to the WTO the final schedule of commitments on behalf of the European Community and its Member States;

Whereas the competence of the Community to conclude international agreements does not derive only from explicit conferral by the Treaty but may also derive from other provisions of the Treaty and from acts adopted pursuant to those provisions by Community institutions;

Whereas where Community rules have been adopted in order to achieve the aims of the Treaty, Member States may not, outside the framework of the common institutions, enter into commitments liable to affect those rules or alter their scope;

Whereas some commitments on basic telecommunications services fall within the competence of the Community under Article 113 of the Treaty; whereas, furthermore, other commitments on basic telecommunications services affect Community rules adopted on the basis of Articles 57, 66, 90, 99, 100 and 100a and may therefore only be entered into by the Community alone;

Whereas the use of Article 100 of the Treaty as a legal base for this Decision is justified also by the fact that the aforementioned commitments on basic telecommunications services are likely to affect Council Directive 90/434/EEC of 23 July 1990 on the common system of

⁽¹⁾ OJ C 267, 3. 9. 1997, p. 80.

⁽²⁾ OJ C 339, 10. 11. 1997.

⁽³⁾ OJ L 336, 23. 12. 1994, p. 1.

taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States⁽¹⁾ and Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States⁽²⁾, which are based on Article 100 of the Treaty;

Whereas, by their nature, the Agreement establishing the World Trade Organization and the Protocols to the General Agreement on Trade in Services, are not susceptible to being directly invoked in Community or Member States courts,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Fourth Protocol to the General Agreement on Trade in Services concerning basic telecommunications services is hereby approved on behalf of the European Community with regard to that portion of it which falls within the competence of the Community.

2. The text of the Fourth Protocol is attached to this Decision, as are also the following:

- the schedule of specific commitments of the Community and the Member States, which is part of the overall package of commitments reached at the WTO on 15 February 1997,
- the decision of the Council for Trade in Services on commitments in basic telecommunications, and
- the report of 15 February 1997 by the Group on Basic Telecommunications to the Council for Trade in Services.

3. The President of the Council is hereby authorized to designate the person(s) empowered to sign the Fourth Protocol to the General Agreement on Trade in Services in order to bind the Community with regard to that portion of the Protocol falling within its competence.

Done at Brussels, 28 November 1997.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ L 225, 20. 8. 1990, p. 1.

⁽²⁾ OJ L 225, 20. 8. 1990, p. 6.

*ANNEX⁽¹⁾***FOURTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES**

Members of the World Trade Organization (hereinafter referred to as the 'WTO') whose Schedules of Specific Commitments and Lists of Exemptions from Article II of the General Agreement on Trade in Services concerning basic telecommunications are annexed to this Protocol (hereinafter referred to as 'Members concerned'),

Having carried out negotiations under the terms of the Ministerial Decision on Negotiations on Basic Telecommunications adopted at Marrakesh on 15 April 1994,

Having regard to the Annex on Negotiations on Basic Telecommunications,

Agree as follows:

1. Upon the entry into force of this Protocol, a schedule of specific commitments and a list of exemptions from Article II concerning basic telecommunications annexed to this Protocol relating to a Member shall, in accordance with the terms specified therein, supplement or modify the schedule of specific commitments and the list of Article II exemptions of that Member.
2. This Protocol shall be open for acceptance, by signature or otherwise, by the Members concerned until 30 November 1997.
3. The Protocol shall enter into force on 1 January 1998 provided it has been accepted by all Members concerned. If by 1 December 1997 the Protocol has not been accepted by all Members concerned, those Members which have accepted it by that date may decide, prior to 1 January 1998, on its entry into force.
4. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish to each Member of the WTO a certified copy of this Protocol and notifications of acceptances thereof.
5. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifteenth day of April one thousand nine hundred and ninety-seven, in a single copy in the English, French and Spanish languages, each text being authentic, except as otherwise provided for in respect of the Schedules annexed hereto.

⁽¹⁾ The Annex is authentic in English, French and Spanish.

THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES — SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply:	1. Cross-border supply	2. Consumption abroad	3. Commercial presence	4. Presence of natural persons	Additional commitments
Sector or subsector	Limitations on market access	Limitations on national treatment			
2.C Telecommunications services Telecommunications services are the transport of electromagnetic signals — sound, data image and any combinations thereof, excluding broadcasting(!). Therefore, commitments in this schedule do not cover the economic activity consisting of content provision which require telecommunications services for its transport. The provision of that content, transported via a telecommunications service, is subject to the specific commitments undertaken by the European Communities and their Member States in other relevant sectors.	All sub-sectors FIN: The general horizontal requirements for legal entities in GATS/SC/33 shall not apply to the telecommunications sector except as: — half of the founders, half of the members of the board of directors and the managing director must have permanent residence in the European Economic Area. If the founder is a legal person, it must have residence in the EEA. 1. None except for: P: basic services can be supplied only by companies established in Portugal. GR: access through SA and the company must be exclusively engaged in the supply of telecommunication services. 2. None	FIN: The general horizontal requirements for legal entities in GATS/SC/33 shall not apply to the telecommunications sector. Requirements concerning the Åland islands shall continue to apply. B: Licensing conditions may address the need to guarantee universal service, including through financing, in a transparent, non-discriminatory and competitively neutral manner and will not be more burdensome than necessary.	The European Communities and their Member States undertake additional commitments as contained in the attachment, all parts of which are equally binding.		

Modes of supply:	1. Cross-border supply	2. Consumption abroad	3. Commercial presence	4. Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments	
Domestic and international Domestic and international services provided using any network technology, on a facilities based or resale basis, for public and non-public use, in the following market segments (these correspond to the following CPC numbers: 7521, 7522, 7523, 7524*, 7525, 7526 and 7529*, broadcasting is excluded): a. Voice telephone services b. Packet switched data transmission services c. Circuit-switched data transmissions services d. Telex services e. Telegraph services f. Facsimile services Leased circuit services	3. None except for⁽¹⁾: GR: access through SA and the company must be exclusively engaged in the supply of telecommunication services. P: The direct or indirect participation of natural persons, who are non-nationals of EC Member States or non-EC companies or firms in the capital of companies supplying basic telecommunications services cannot exceed 25 %. F: Indirect: none. Non-EC natural or juridical persons may not hold directly more than 20 % of the shares or voting rights of companies authorised to establish and operate radio-based infrastructure for the provision of telecommunications services to the general public. For the application of this provision, companies or firms legally established according to the laws of a Member State of the EC are considered EC juridical persons. 4. Unbound except as indicated in the horizontal section.	3. None 4. Unbound except as indicated in the horizontal section.	P: The Government of Portugal has the intention of presenting to the Parliament draft legislation aiming at removing partially the present limitations on foreign equity participation in the capital of companies supplying basic telecommunications services no later than in 1998. In case of approval, the new legislation will be bound no later than in 1999.	
		1. None except for⁽²⁾: E: none, except that the liberalisation calendar will be as follows: one additional nation-wide licence in January 1998; full liberalisation as from 30 November 1998⁽¹⁾. IRL: None except for public voice telephony and facilities-based service where none as of 1 January 2000.	1. None	

Modes of supply:	1. Cross-border supply	2. Consumption abroad	3. Commercial presence	4. Presence of natural persons
	Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
o. Other services:	Mobile and personal communications services and systems	P: None, except for public voice telephony, telex and telegraph where none as from 1 January 2000, and facilities-based services where none as from 1 July 1999. GR: None except for public-voice telephony and facilities-based services where none as of 1 January 2003. 2. None 3. None except for (?): E: none, except that the liberalisation calendar will be as follows: one additional nation wide licence in January 1998; full liberalisation as from 30 November 1998 (?). IRL: None except for public voice telephony and facilities-based services where none as of 1 January 2000. P: None, except for public voice telephony, telex and telegraph where none as from 1 January 2000 and facilities-based services where none as from 1 July 1999. GR: None except for public voice telephony and facilities-based services where none as of 1 January 2003. 4. Unbound except as indicated in the horizontal section.	2. None 3. None	
		1. None except for: IRL, P: international interconnection of mobile networks with other mobile or fixed networks where none as of 1 January 1999. 2. None 3. None except for: IRL, P: international interconnection of mobile networks with other mobile or fixed networks where none as of 1 January 1999.	4. Unbound except as indicated in the horizontal section. 1. None 2. None 3. None	

Modes of supply:	1. Cross-border supply	2. Consumption abroad	3. Commercial presence	4. Presence of natural persons
	Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		4. Unbound except as indicated in the horizontal section.	4. Unbound except as indicated in the horizontal section.	

(1) Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.
 (2) Luxembourg has requested a delayed date for the liberalisation of telecommunications until 1 January 2000. The EC decision on this request is still pending.
 (3) Applications for further licences to be received as from 1 August 1998.
 (4) Footnote for clarification purposes: Some EC Member States maintain public participation in certain telecommunication operators. EC Member States reserve their rights to maintain such public participation in the future. This is not a market access limitation. In Belgium, government participation and voting rights in Belgacom are freely determined under legislative powers as is presently the case under the law of 21 March 1991 on the reform of government-owned economic enterprises.

ADDITIONAL COMMITMENT BY THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services underpinning the market access commitments by the European Communities and their Member States.

Definitions

Users mean service consumer and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network and service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A *major supplier* is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. COMPETITIVE SAFEGUARDS

1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2. Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. INTERCONNECTION

- 2.1. This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier.

2.2. Interconnection to be ensured

Within the limits of permitted market access, interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided⁽¹⁾:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates⁽²⁾;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost construction of necessary additional facilities.

⁽¹⁾ Suppliers of services or networks not generally available to the public, such as closed user groups, have guaranteed rights to connect with the public telecommunications transport network or services on terms, conditions and rates which are non-discriminatory, transparent and cost-oriented. Such terms, conditions and rates may, however, vary from the terms, conditions and rates applicable to interconnection between public telecommunications networks or services.

⁽²⁾ Different terms, conditions and rates may be set in the Community for operators in different market segments, on the basis of non-discriminatory and transparent national licensing provisions, where such differences can be objectively justified because these services are not considered 'like services'.

2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4. Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5. Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

(a) at any time; or

(b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. UNIVERSAL SERVICE

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. PUBLIC AVAILABILITY OF LICENSING CRITERIA

Where a licence is required, the following will be made publicly available:

(a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and

(b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. INDEPENDENT REGULATORS

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. ALLOCATION AND USE OF SCARCE RESOURCES

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

DECISION ON COMMITMENTS IN BASIC TELECOMMUNICATIONS

THE COUNCIL FOR TRADE IN SERVICES,

HAVING REGARD to the Annex on negotiations on basic telecommunications,

HAVING REGARD to the results of the negotiations conducted under the terms of the decision on negotiations on basic telecommunications adopted at Marrakesh on 15 April 1994,

ACTING upon the final report of the negotiating group on basic telecommunications,

DECIDES as follows:

1. To adopt the text of the 'Fourth Protocol to the General Agreement on Trade in Services' (hereinafter referred to as the Protocol) and to take note of the schedules of commitments and lists of exemptions from Article II listed in the attachment to the final report of the negotiating group on basic telecommunications.
 2. Commencing immediately and continuing until the date of entry into force of the Protocol Members concerned shall, to the fullest extent consistent with their existing legislation and regulations, not take measures which would be inconsistent with their undertakings resulting from these negotiations.
 3. During the period from 15 January to 15 February 1997, a Member which has a schedule of commitments annexed to the Protocol, may supplement or modify such schedule or its list of Article II exemptions. Any such Member which has not annexed to the Protocol a list of Article II exemptions may submit such a list during the same period.
 4. A Group on basic telecommunications reporting to the Council for Trade in Services shall conduct consultations on the implementation of paragraph 3 above commencing its work no later than 90 days from the adoption of the decision.
 5. The Council for Trade in Services shall monitor the acceptance of the Protocol by Members concerned and shall, at the request of a Member, examine any concerns raised regarding the application of paragraph 2 above.
 6. Members of the World Trade Organization which have not annexed to the Protocol schedules of commitments or lists of exemptions from Article II may submit, for approval by the Council, schedules of commitments and lists of exemptions from Article II relating to basic telecommunications prior to 1 January 1998.
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REPORT OF THE GROUP ON BASIC TELECOMMUNICATIONS

1. This report is made in accordance with paragraph 4 of the Decision on Commitments in Basic Telecommunications, adopted by the Council for Trade in Services on 30 April 1996 (S/L/19). In paragraph 1 of this Decision, the Council also adopted the text of the Fourth Protocol to the General Agreement on Trade in Services and took note of the schedules of commitments and lists of exemptions from Article II listed in the attachment to the final report of the negotiating group on basic telecommunications (S/NGBT/18).
2. The Decision on commitments on basic telecommunications established the Group on Basic Telecommunications to 'conduct consultations on the implementation of paragraph 3 of the Decision'. Paragraph 3 states that 'during the period from 15 January to 15 February 1997, a Member which has a schedule of commitments annexed to the Protocol, may supplement or modify such schedule or its list of Article II exemptions' and that 'any such Member which has not annexed to the Protocol a list of Article II exemptions may submit such a list during the same period'.
3. At the Group's first meeting in July 1996, participants suggested that the principal issues before the GBT included the desirability of improving the quantity and quality of schedules offered, and the need to address certain issues which had been left unresolved in April. Subsequently, the Group sponsored frequent rounds of bilateral negotiations on offers and regularly included discussion of outstanding issues in its meetings. In November participants began submitting revised draft offers of commitments on basic telecommunications for consideration. The Group's Report to the Council on Trade in Services (S/GBT/2), which formed part of the Report to the Singapore Ministerial Conference, recommended that Ministers 'stress their commitment to bring the negotiations on basic telecommunications to a successful conclusion by 15 February 1997, urge all WTO Members to strive for significant, balanced and non-discriminatory liberalization commitments on basic telecommunications by that date and recognize the importance of resolving the principal issues before the GBT'. The Declaration adopted by Ministers in Singapore (WT/MIN(96)/DEC) contained a commitment to 'achieve a successful conclusion to the negotiations on basic telecommunications in February 1997'. Ministers also stated 'We are determined to obtain a progressively higher level of liberalization in services on a mutually advantageous basis with appropriate flexibility for individual developing country members, as envisaged in the agreement, in the continuing negotiations and those scheduled to begin no later than 1 January 2000. In this context, we look forward to full MFN agreements based on improved market access commitments and national treatment'.
4. In its discussions on outstanding issues, the Group considered the following matters: ways to ensure accurate scheduling of commitments — particularly with respect to supply of services over satellites and to the management of radio spectrum; potential anti-competitive distortion of trade in international services; the status of intergovernmental satellite organizations in relation to GATS provisions; and the extent to which basic telecommunications commitments include transport of video and/or broadcast signals within their scope.
5. The Chairman issued notes reflecting his understanding of the position reached in discussion of the scheduling of commitments and management of radio spectrum. The first such note set out a number of assumptions applicable to the scheduling of commitments and was intended to assist in ensuring the transparency of commitments (S/GBT/W/2/Rev. 1 of 16 January 1997). The second addressed the allocation of radio spectrum, suggesting that the inclusion of references to the availability of spectrum in schedules was unnecessary and that such references should be deleted (S/GBT/W/3 of 3 February 1997). These notes are attached to this Report.
6. By 15 February 1997 the total number of schedules submitted had reached 55 (counting as one the offer of the European Communities and their Member States). Nine governments had submitted lists of Article II Exemptions.
7. The Group noted that five countries had taken Article II exemptions in respect of the application of differential accounting rates to services and service suppliers of other Members. In the light of the fact that the accounting rate system established under the International Telecommunications Regulations is the usual method of terminating international traffic and by its nature involves differential rates, and in order to avoid the submission of further such exemptions, it is the understanding of the Group that:
 - the application of such accounting rates would not give rise to action by Members under dispute settlement under the WTO, and
 - that this understanding will be reviewed not later than the commencement of the further Round of negotiations on services commitments due to begin not later than 1 January 2000.

8. The Group also recalled paragraph 6 of the Decision of 30 April 1996, which stated that Members of the World Trade Organization which have not annexed to the Protocol schedules of commitments or lists of exemptions from Article II may submit, for approval by the Council, schedules of commitments and lists of exemptions from Article II relating to basic telecommunications prior to 1 January 1998.
 9. At its meeting of 15 February 1997, the Group adopted this report and the attached list of the Schedules of Commitments and Lists of Article II Exemptions, which, in accordance with paragraph 3 of the Decision on commitments in basic telecommunications, will be attached to the Fourth Protocol to the General Agreement on Trade in Services in replacement of those attached on 30 April 1996.
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NOTE BY THE CHAIRMAN

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:
 - (a) encompasses local, long distance and international services for public and non-public use;
 - (b) may be provided on a facilities-basis or by resale; and
 - (c) may be provided through any means of technology (e.g., cable ⁽¹⁾, wireless, satellites).
2. Subsector (g) — private leased circuit services — involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.
3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

⁽¹⁾ Including all types of cable.

CHAIRMAN'S NOTE

Market access limitations on spectrum availability

Many Members have entries in the market access column of their schedules indicating that commitments are 'subject to availability of spectrum/frequency' or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as 'subject to availability of spectrum/frequency' as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the reference paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as 'subject to availability of spectrum/frequency' are unnecessary and should be deleted from Members' schedules.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2086/97 of 4 November 1997 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and statistical nomenclature and on the Common Customs Tariff*(Official Journal of the European Communities L 312 of 14 November 1997)*

On page 286, CN codes 3302 10 40 to 3302 90 90, in column 4:

for: '2,1',

read: '1,1'.

CN codes 3303 00 10 to 3303 00 90, in column 4:

for: '2,6',

read: '1,3'.

On page 287, CN codes 3304 10 00 to 3306 10 00, and 3306 90 00, in column 4:

for: '2,6',

read: '1,3'.

CN code 3306 20 00, in column 4:

for: '7,5',

read: '7'.

On page 360, CN code 4602 90 00, in column 4:

for: '5,6',

read: '5'.

On page 554, CN code 7505 11 00, in column 4:

for: '1,8',

read: '0,9'.

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