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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2631/97**of 18 December 1997****amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas, by virtue of Regulation (EC) No 2505/96⁽¹⁾, the Council opened Community tariff quotas for certain agricultural and industrial products; whereas Community demand for the products in question should be met under the most favourable conditions; whereas Community tariff quotas should therefore be opened at reduced or zero rates of duty for appropriate volumes, and increased or extended in the case of certain existing tariff quotas, avoiding any disturbance to the markets for these products;

Whereas it is no longer in the Community's interest to maintain a Community tariff quota on some of the products covered by the above Regulation, and those products should therefore be removed from the table in Annex I;

Whereas in order to take account of amendments to the combined nomenclature, some of the Taric codes need to be changed;

Whereas in view of the large number of amendments coming into effect on 1 January 1998 and in order to clarify matters for the user, these amendments should be made by replacing the table in Annex I to the above Regulation by the table in the Annex to this Regulation;

Whereas Regulation (EC) No 2505/96 should therefore be amended,

Article 1

1. For the quota period from 1 January to 31 December 1997, Annex I to Regulation (EC) No 2505/96 is hereby amended as follows:

- order number 09.2711: the amount of the tariff quota shall be altered to 850 000 tonnes,
- order number 09.2867: the amount of the tariff quota shall be altered to 225 tonnes,
- order number 09.2943: the amount of the tariff quota shall be altered to 50 000 000 units,
- order number 09.2944: the amount of the tariff quota shall be altered to 44 000 000 units,
- order number 09.2948: the amount of the tariff quota shall be altered to 28 000 000 units.

2. For the quota period from 1 July to 31 December 1997, Annex I to Regulation (EC) No 2505/96 is hereby amended as follows:

- order number 09.2956: the amount of the tariff quota shall be altered to 67 000 units.

Article 2

The table in Annex I to Regulation (EC) No 2505/96 shall be replaced by the table annexed to this Regulation.

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*.

Article 1 (1) shall apply with effect from 1 January 1997, Article 1 (2) with effect from 1 July 1997 and Article 2 with effect from 1 January 1998.

⁽¹⁾ OJ L 345, 31. 12. 1996, p. 1. Regulation as last amended by Regulation (EC) No 1291/97 (OJ L 176, 4. 7. 1997, p. 17).

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

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

ANNEX

ANNEX I

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2701	ex 0301 92 00 ex 0302 66 00 ex 0303 76 00	10 10 10	Eels (<i>Anguilla</i> spp.) live, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 (a)	4 000 tonnes	0	1. 7. 1997- 30. 6. 1998
09.2701	ex 0301 92 00 ex 0302 66 00 ex 0303 76 00	10 10 10	Eels (<i>Anguilla</i> spp.) live, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within heading No 1604 (a)	2 000 tonnes	0	1. 7 - 31. 12. 1998
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides, not in the form of powder, only for the production of alloys (a)	13 000 tonnes	0	1. 1 - 31. 12
09.2711	7202 41 10 7202 41 91 7202 41 99	—	Ferro-chromium containing by weight more than 4 % of carbon	765 000 tonnes	0	1. 1 - 31. 12
09.2713	ex 2008 60 19 ex 2008 60 39	10 11/19	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 (1) 10	1. 1 - 31. 12
09.2719	ex 2008 60 19 ex 2008 60 39	20 20	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 (1) 10	1. 1 - 31. 12
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	7 500 tonnes	0	1. 1 - 31. 12
09.2729	ex 0811 90 95	10	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	1 500 tonnes	12	1. 1 - 31. 12
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % by weight of chromium	24 000 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2809	ex 3802 90 00	10	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 tonnes	0	1. 1 - 31. 12
09.2811	ex 2902 90 80	20	4-benzylbiphenyl	300 tonnes	0	1. 1 - 31. 12
09.2829	ex 3824 90 95	19	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics: — a resin acid content by weight not exceeding 30 %, — an acid number not exceeding 110, and — melting point of not less than 100 °C	1 600 tonnes	0	1. 1 - 31. 12
09.2837	ex 2903 49 80	10	Bromochloromethane	700 tonnes	0	1. 1 - 31. 12
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing by weight 80 % or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	8 000 tonnes	0	1. 1 - 31. 12
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> , (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals (a) (b)	700 tonnes	0	1. 1 - 31. 12
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight	13 000 tonnes	0	1. 1 - 31. 12
09.2853	ex 2930 90 70	35	Glutathione	15 tonnes	0	1. 1 - 31. 12
09.2859	ex 2909 49 90	10	2,2' - Isopropylidene-bis (p-phenyleneoxy) diethanol solid form	1 300 tonnes	0	1. 1 - 31. 12
09.2867	ex 3207 40 80	10	Glass granulate, containing by weight: — 73 % or more but not more than 77 % of silicon dioxide — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	250 tonnes	0	1. 1 - 31. 12
09.2881	ex 3901 90 90	92	Chlorosulphonated polyethylene	6 000 tonnes	0	1. 1 - 31. 12
09.2887	ex 2905 50 10	10	2,2,2-Trifluoroethanol	350 tonnes	0	1. 1 - 31. 12
09.2889	3805 10 90	—	Sulphate turpentine	20 000 tonnes	0	1. 1 - 31. 12
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than ECU 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of products falling within subheading 2402 10 00 (a)	6 000 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2914	ex 3824 90 95	26	Aqueous solution containing by weight not less than 40 % of dry betaine-extract and 5 % or more but not more than 30 % by weight of organic or inorganic salts	38 000 tonnes	0	1. 1 - 31. 12
09.2915	ex 3824 90 95	27	Silicon dioxide having a purity of 99 % or more by weight, in the form of the spherical particles dispersed in monoethylene glycol	60 tonnes	0	1. 1 - 31. 12
09.2917	2930 90 14	—	Cystine	600 tonnes	0	1. 1 - 31. 12
09.2918	ex 2910 90 00	50	1,2-Epoxybutan	500 tonnes	0	1. 1 - 31. 12
09.2919	ex 8708 29 90	10	Foldings bellows for the manufacture of articulated buses (a)	2 600 pieces	0	1. 1 - 31. 12
09.2920	ex 5502 00 40	10	Cellulose acetate tow made up of 10 000 filaments or more, but not exceeding 12 000 filaments, measuring 2,6 decitex per filament or more but not exceeding 2,7 decitex	350 tonnes	0	1. 1 - 31. 12
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	2 600 tonnes	0	1. 1 - 31. 12
09.2934	ex 3818 00 10	30	Doped silicon slices for use in the manufacture of solar cells falling within subheading 8541 40 91 (a)	3 500 000 units	0	1. 1 - 31. 12
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleo-resins	50 000 tonnes	0	1. 1 - 30. 6
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleo-resins	50 000 tonnes	0	1. 7 - 31. 12
09.2936	ex 3815 90 90	45	Catalyst, in the form of powder, consisting of mixed vanadium and phosphorus oxides, containing by weight not more than 0,5 % of one of the following elements: lithium, potassium, sodium, cadmium or zinc, for use in the manufacture of maleic anhydride from butane (a)	200 tonnes	0	1. 1 - 31. 12
09.2937	ex 3818 00 10	40	Doped silicon wafers having a diameter of 200 mm ($\pm$ 0,25 mm), for use in the manufacture of products falling within heading 8542 (a)	800 000 units	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2939	ex 8543 89 95	43	Voltage controlled oscillator (VCO), other than temperature compensating oscillators, consisting of active and passive elements mounted on a printed circuit contained in a housing bearing: — an identification marking consisting of or including one of the following combinations of alphanumeric: 1012TDK, 1019TDK, EK304, MQC403, MQC404, MQE001, MQE041, MQE042, MQE051, MQE201, MQE411, MQE501, URAE8X956A, URAB8, URAE8X960A, VD2S40, VD2S41, VD5S07 — or other identification markings relating to devices complying with the abovementioned description	70 000 000 units	0	1.1 - 31.12
09.2942	ex 2917 19 90	40	Dodecanadioic acid of a purity by weight of more than 98,5 %	1 000 tonnes	0	1.1 - 31.12
09.2943	ex 8531 20 80	10	Liquid crystal display (LCD), other than with an active matrix, comprising electronic components, other than products with one or more of the following characteristics: — comprising one or more monolithic integrated circuits mounted on the glass ('chip on glass' technology) — having 256 000 pixels or more	20 000 000 units	0	1.1 - 31.12
09.2944	9013 80 30		Liquid crystal display, other than with an active matrix, consisting of a layer of liquid crystals between two plates or sheets of glass	30 000 000 units	0	1.1 - 31.12
09.2945	ex 2940 00 90	10	D-Xylose	1 500 tonnes	0	1.1 - 31.12
09.2947	ex 3904 69 90	95	Poly (vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal (a)	900 tonnes	0	1.1 - 31.12
09.2948	ex 8529 90 40	10	Keypads, comprising a layer of silicone and polycarbonate keytops, for the manufacture of mobile radiotelephones of subheading 8525 20 91 (a)	70 000 000 units	0	1.1 - 31.12
09.2949	ex 8543 89 95	44	Temperature compensating oscillator, comprising a printed circuit on which are mounted at least a piezo-electric crystal and an adjustable capacitor, contained in a housing bearing: — an identification marking consisting of or including one of the following alphanumeric combinations: 3211A-ANF50, 5111B-ANL51, TCXO111, TXO2603 — or other identification markings relating to devices complying with the abovementioned description	6 500 000 units	0	1.1 - 31.12
09.2950	ex 2905 50 10	20	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 (a)	4 000 tonnes	0	1.1 - 31.12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2951	ex 3302 90 90	10	Crude mixture of geranoil and nerol containing by weight: — 55 ($\pm$ 5) % geranoil, — 34 ($\pm$ 3) % nerol and — 7 ($\pm$ 3) % hydrocarbons	3 000 tonnes	0	1. 1 - 31. 12. 1998
09.2953	ex 8529 90 40	20	Keypad wholly of silicone or wholly of polycarbonate, including printed keys, for the manufacture of mobile radio-telephones of subheading 8525 20 91 (a)	20 000 000 units	0	1. 1 - 31. 12
09.2954	ex 2926 90 99	55	3-[Trifluoromethyl] phenylacetonitrile	100 tonnes	0	1. 1 - 31. 12
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	200 tonnes	0	1. 1 - 31. 12
09.2956	ex 3818 00 10	60	High temperature hydrogen-treated (so-called "hydrogen-annealed") doped silicon wafer, with a diameter of 150 mm ($\pm$ 0,5 mm), for the manufacture of products falling within heading No 8542 (a)	220 000 units	0	1. 1 - 31. 12
09.2957	ex 8507 90 98	10	Stamped cylindrical can, in non-alloy steel, post-nickel-plated, for an accumulator, of a diameter of 13 mm or more but not exceeding 17 mm, and of a height of 27 mm or more but not exceeding 70 mm	35 000 000 units	0	1. 1 - 30. 6. 1998
09.2958	ex 8540 11 19	91	Colour cathode-ray tube equipped with electron guns placed side by side (in-line technology), with a diagonal measurement of the screen of 89 cm or more	20 000 units	0	1. 1 - 31. 12
09.2959	ex 4804 41 91 ex 4804 41 99 ex 4804 51 90	10 10 10	Kraft paper and paperboard, weighing more than 150 g/m ² , only consisting of unbleached virgin fibres obtained by the chemical sulphate process, for the manufacture of products falling within heading 3921 (a);	30 000 tonnes	0	1. 1 - 31. 12
09.2961	ex 5402 43 00	20	Synthetic bicomponent filament yarn, not textured, untwisted, measuring 1 650 decitex, consisting of 110 filaments each having a core of polyethylene terephthalate and a skin of polyamide-6, containing by weight 75 % or more but not exceeding 77 % of polyethylene terephthalate, for use in the manufacture of roofings (a)	1 500 tonnes	0	1. 1 - 30. 6. 1998
09.2962	ex 8529 10 70	70	Surface acoustic wave filter for a transmit centre frequency of 902,5 MHz and a receive centre frequency of 947,5 MHz	125 000 units	0	1. 1 - 30. 6. 1998

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2963	ex 8533 21 00	31	Fixed thick film resistor, with a resistance of 10 ohm or more but not exceeding 2,2 Mohm, a dissipation rate not exceeding 0,063 W, contained in a housing of the SMD (surface mounted device) type the exterior dimensions of which do not exceed 0,4 × 0,55 × 1,1 mm	300 000 000 units	0	1.1 - 31.12
09.2964	ex 5502 00 80	20	Filament tow of cellulose produced by organic solvent spinning (Lyocell), for use in the paper industry (a)	1 200 tonnes	0	1.1 - 31.12
09.2965	ex 5502 00 80	30	Filament tow of cellulose produced by organic solvent spinning (Lyocell), for the manufacture of combed yarn (a)	80 tonnes	3	1.1 - 30.6.1998
09.2966	ex 2839 19 00	20	Crystalline disodium disilicate, containing by weight: — 59 % or more of silicon-dioxide — 30 % or more of disodium oxide	4 000 tonnes	0	1.1 - 31.12
09.2967	ex 8518 29 20 ex 8518 29 80	20 30	Loudspeaker, having a diameter of less than 23 mm, for use in the manufacture of products falling within subheading 8525 20 91 (a)	2 000 000 units	0	1.1 - 30.6.1998

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

(i) The specific additional duty is applicable.

COUNCIL REGULATION (EC) No 2632/97

of 18 December 1997

temporarily suspending some or all of the autonomous Common Customs Tariff
duties on certain fishery products (1998)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas the Community relies at present on imports
from third countries for supplies of certain fishery
products; whereas it is in the interest of the Community
to suspend partially or totally the customs duties for these
products; whereas, in order to avoid endangering the pros-
pects for developing the production of competitive
products in the Community while ensuring that the
industries concerned receive the necessary supplies, it is
advisable to adopt these suspension measures only from
1 January to 31 December 1998;

Whereas it is for the Community to decide to suspend
these autonomous duties,

Article 1

1. From 1 January to 31 December 1998 the auto-
nomous Common Customs Tariff duties on the products
listed in the Annex are hereby suspended at the level
indicated for each product.

2. Imports of these products shall qualify for the
suspension referred to in paragraph 1 only provided that
the free-at-frontier price laid down by the Member States,
in accordance with Article 22 of Council Regulation
(EEC) No 3759/92 of 17 December 1992 on the common
organization of the market in fishery and aquaculture
products⁽¹⁾, is not lower than the reference price fixed or
to be fixed by the Community for the products or cat-
egories of products in question.

Article 2

This Regulation shall enter into force on the seventh day
following that of 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, 18 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1, Regulation as last amended by
Regulation (EEC) No 3318/94 (OJ L 350, 31. 12. 1994, p. 15).

ANNEX

Order No	CN code and Taric	Description	Rate of autonomous duty (%)
0001	0302 65 20 0303 75 20 ex 0304 10 98*60 ex 0304 90 97*31	Dogfish of the species <i>Squalus acanthias</i> , fresh, chilled or frozen	6
0002	ex 0302 69 99*30 ex 0303 79 96*30	Sturgeons, fresh, chilled or frozen, for processing (a)(b)	0
0003	ex 0302 69 99*40	Lump fish (<i>Cyclopterus lumpus</i>), with roe, fresh or chilled, for processing (a)	0
0004	ex 0302 69 99*50 ex 0303 79 96*40	Red snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a)(c)	0
0005	ex 0302 70 00*11 ex 0302 70 00*31 ex 0302 70 00*41 ex 0302 70 00*91 ex 0303 80 90*10 ex 0303 80 90*19	Hard fish roes, fresh, chilled or frozen	0
0006	ex 0303 10 00*10	Pacific salmon (<i>Oncorhynchus</i> spp.), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
0008	ex 0304 20 85*10 ex 0304 90 61*10	Filets and meat of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial blocks, frozen, for processing (a)(b)	7,5
0009	ex 0305 20 00*11 ex 0305 20 00*19	Hard fish roes, salted or in brine	0
0010	ex 0306 19 90*10 ex 0306 29 90*10	Krill for processing (a)	0
0022	ex 1604 11 00*20 ex 1604 20 10*20	Pacific salmon (<i>Oncorhynchus</i> spp.), for the processing industry for manufacture into pastes or spreads (a)	0
0023	ex 1604 30 90*10	Hard fish roes, washed, cleaned or adherent organs and simply salted or in brine, for processing (a)	0
0024	ex 1605 10 00*11 ex 1605 10 00*19	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperri-mus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
0025	ex 1605 10 00*92 ex 1605 10 00*94	Crabs of the species <i>Paralomis granulosa</i>	0

- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:
- cleaning, gutting, tailing, heading,
 - cutting (excluding filleting or cutting of frozen blocks),
 - sampling, sorting,
 - labelling,
 - packing,
 - chilling,
 - freezing,
 - deep freezing,
 - thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.

- (c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.
-

COUNCIL REGULATION (EC) No 2633/97**of 18 December 1997****modifying Regulation (EC) No 702/97 opening and providing for the
administration of autonomous Community Tariff quotas for certain fishery
products**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EC) No 702/97⁽¹⁾, the Council
opened autonomous tariff quotas for cod (order number
09.2753) and for surimi (order number 09.2779);

Whereas their quotas amounts are insufficient to meet the
needs of the Community industry; whereas, consequently,
these quotas amounts should be increased,

Article 1

For the quota period from 1 April to 31 December 1997,
the Annex to Regulation (EC) No 702/97 is hereby
amended as follows:

- order number 09.2753: the amount of the tariff quota
shall be altered to 52 500 tonnes,
- order number 09.2779: the amount of the tariff quota
shall be altered to 8 000 tonnes.

Article 2

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, 18 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 104, 22. 4. 1997, p. 8.

COUNCIL REGULATION (EC) No 2634/97
of 18 December 1997
amending Regulation (EEC) No 805/68 on the common organization of the
market in beef and veal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Whereas Article 13 of Regulation (EEC) No 805/68 ⁽³⁾ provides for the granting of export refunds; whereas exports of live animals benefiting from Community funds should be carried out in such a way as to respect the welfare of the animals concerned; whereas experience shows that this is not always the case; whereas it should therefore be stipulated that the payment of export refunds shall be subject to compliance with the animal welfare standards as set out in Community legislation concerning animal transport and in particular Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport ⁽⁴⁾; whereas it is therefore necessary to amend the said Article 13 accordingly;

Whereas it is necessary, for practical reasons, to provide that the Commission will lay down detailed implementing rules for the application of these rules to imports into third countries,

HAS ADOPTED THIS REGULATION:

Article 1

Article 13 of Regulation (EEC) No 805/68 is hereby amended as follows:

1. In paragraph 9 the following subparagraph shall be added:

‘Moreover, the payment of the refund for exports of live animals shall be subject to compliance with the provisions established in Community legislation concerning animal welfare and, in particular, the protection of animals during transport’.

2. In paragraph 12 the following subparagraph shall be added:

‘With regard to paragraph 9, last subparagraph, the detailed rules for the application may also include conditions concerning, in particular, imports into third countries’.

Article 2

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

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

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ C 160, 27. 5. 1997, p. 7.

⁽²⁾ OJ C 339, 10. 11. 1997.

⁽³⁾ OJ L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 2321/97 (OJ L 322, 25. 11. 1997, p. 25).

⁽⁴⁾ OJ L 340, 11. 12. 1991, p. 17. Directive as last amended by Regulation (EC) No 1255/97 (OJ L 174, 2. 7. 1997, p. 1).

COUNCIL REGULATION (EC) No 2635/97

of 18 December 1997

amending Regulation (EC) No 2847/93 establishing a control system applicable to the common fisheries policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾ introduces a number of measures to monitor fishing activities, including fishing effort;

Whereas Council Regulation (EC) No 779/97 of 24 April 1997 introducing arrangements for the management of fishing effort in the Baltic Sea ⁽⁵⁾ provides for *a posteriori* monitoring by the Member States of the fishing effort of Community vessels in the Baltic Sea;

Whereas pursuant to Article 6 (2) of Regulation (EC) No 779/97 compliance with the arrangements for managing fishing effort in the Baltic Sea must be ensured, in particular by applying Title IIa of Regulation (EEC) No 2847/93 as regards the recording of data on fishing effort in the logbook, the procedures for forwarding the lists of named vessels to the Commission, the collection of data on fishing effort by the Member States and the forwarding of the assembled data on fishing effort to the Commission;

Whereas Regulation (EEC) No 2847/93 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2847/93 is hereby amended as follows:

1. The following paragraph shall be inserted after the first paragraph of Article 19a:

'1a. Articles 19e, 19f, 19g, 19h and 19i shall apply to Community vessels authorized by the Member States, in accordance with Article 2 of Council Regulation (EC) No 779/97 of 24 April 1997 introducing arrangements for the management of fishing effort in the Baltic Sea ⁽⁶⁾, to carry out fishing activities in the fishing areas listed in the Annex to that Regulation.

⁽⁶⁾ OJ L 113, 30. 4. 1997, p. 1.'

2. The last sentence of Article 19a (2) shall be replaced by:

'Vessels over the relevant length which are not authorized by Member States pursuant to Articles 2, 3 (5) and 9 of Regulation (EC) No 685/95 or Article 2 of Regulation (EC) No 779/97 shall not carry out fishing activities in the areas referred to in paragraphs 1 and 1a'.

3. The following shall be added to Article 19f (1):

'and Article 2 of Regulation (EC) No 779/97'.

4. The following indent shall be inserted after the first indent of Article 19i:

'— in the previous quarter for each fishing area referred to in Article 19a (1a), for demersal species, for salmon, sea trout and freshwater fish, before the end of the first month of each calendar quarter as well as, before 15 February of each calendar year, the fishing effort deployed by month during the previous year'.

5. In Article 19i, first indent, after the words 'Article 19a' the following reference to paragraph (1) shall be inserted: '(1)'.

Article 2

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

It shall apply from 1 July 1998.

⁽¹⁾ OJ C 267, 3. 9. 1997, p. 62.

⁽²⁾ Opinion delivered on 16 December 1997 (not yet published in the Official Journal).

⁽³⁾ OJ C 355, 21. 11. 1997.

⁽⁴⁾ OJ L 261, 20. 10. 1993, p. 1. Regulation last amended by Regulation (EC) No 2205/97 (OJ L 304, 7. 11. 1997, p. 1).

⁽⁵⁾ OJ L 113, 30. 4. 1997, p. 1.

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

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

COUNCIL REGULATION (EC) No 2636/97
of 29 December 1997

amending Regulation (EC) No 70/97 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia and to imports of wine originating in the Republic of Slovenia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 70/97⁽¹⁾ expires on 31 December 1997;

Whereas these arrangements will eventually have to be replaced by provisions contained in bilateral agreements to be negotiated with the countries in question;

Whereas the Council has concluded a Cooperation Agreement between the European Community and the former Yugoslav Republic of Macedonia⁽²⁾; whereas from the date of entry into force of that Agreement, products originating in the former Yugoslav Republic of Macedonia will, with the exception of wine, no longer benefit from the autonomous preferential regime under Regulation (EC) No 70/97;

Whereas the amounts of the tariff ceilings for industrial products should be increased annually by 5 % as provided for in the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia signed on 2 April 1980 and denounced on 25 November 1991, Agreement on which the trade concessions provided for in Regulation (EC) No 70/97 are based; whereas following the amendments to the combined nomenclature, Regulation (EC) No 70/97 should be amended accordingly;

Whereas the arrangements for the Republics of Bosnia-Herzegovina, Croatia and Slovenia granted by Regulation (EC) No 70/97 should be maintained;

Whereas Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽³⁾, has been replaced by Council Regulation (EC) No 2201/96 of 28 October 1996⁽⁴⁾, and Article 6 (2) of Regulation (EC) No 70/97 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 70/97 is hereby amended as follows:

1. The title shall be replaced by the following:

‘Council Regulation (EC) No 70/97 of 20 December 1996 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina and Croatia and to imports of wine originating in the former Yugoslav Republic of Macedonia and the Republic of Slovenia’.

⁽¹⁾ OJ L 16, 18. 1. 1997, p. 1. Regulation as last amended by Regulation (EC) No 825/97 (OJ L 119, 8. 5. 1997, p. 4).

⁽²⁾ OJ L 348, 18. 12. 1997, p. 1.

⁽³⁾ OJ L 49, 27. 2. 1986, p. 1.

⁽⁴⁾ OJ L 297, 21. 11. 1996, p. 29.

2. Article 1 is amended as follows:

- in paragraph 1, the words 'the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia' shall be deleted,
- in paragraph 2, the words 'the former Yugoslav Republic of Macedonia and' shall be added before the words 'the Republic of Slovenia'.

3. Article 6 (2) shall be replaced by the following:

'2. Paragraph 1 shall apply to sour cherries falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00 and 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91 on condition that the minimum import price set by the Commission pursuant to Article 13 of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products (*) is observed. Where that minimum price is not observed, a countervailing charge shall be imposed.

(*) OJ L 297, 21. 11. 1996, p. 29.'

4. Article 7 (1) and (2) shall be replaced by the following:

'1. The customs duties applicable to imports into the Community of the products listed in Annex E which originate in the countries referred to in Article 1 (1) and wine originating in the countries referred to in Article 1 (1) and (2) shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas indicated for each one.

2. On import, plum spirit has to be accompanied by the authenticity certificate in conformity with the model appearing at Annex E, issued by the competent authority of the countries concerned.'

5. In Article 8 (2), the amount of '21 700 tonnes' shall be replaced by '10 900 tonnes'.

6. In Article 11 (b) the words 'and (2)' shall be inserted after 'Article 1 (1)'.

7. The second paragraph of Article 14 shall be replaced by the following:

'It shall apply from 1 January 1997 to 31 December 1998.'

8. The amounts given for the tariff ceilings listed in column 4 in Annexes C I, C II, C III and C IV shall be replaced by the amounts given in the Annex to this Regulation.

9. The following amendments shall be made to the CN codes and the descriptions of products:

(a) in Annex C I for order No 01.0020,

'3102 70	— Calcium cyanamide:
3102 70 90	— — Other'

shall be replaced by:

'3102 70 00	— Calcium cyanamide'
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(b) in Annex C I for order No 01.0040,

	' - - - Sheets, film or strip, coiled or not, of a thickness of less than 0,75 mm
3920 71 11	- - - - Not printed
3920 71 19	- - - - Printed'

shall be replaced by:

'3920 71 10	- - - Sheets, film or strip, coiled or not, of a thickness of less than 0,75 mm'
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(c) in Annex C I for order No 01.0230,

	' - - Of transformers and inductors:
8504 90 11	- - - Ferrite cores
8504 90 19	- - - Other
8504 90 90	- - Of static converters'

shall be replaced by:

	' - - Of transformers and inductors
8504 90 05	- - - Electronic assemblies of machines of subheading 8504 50 30
	- - - Other:
8504 90 11	- - - - Ferrite cores
8504 90 18	- - - - Other
	- - Of static converters:
8504 90 11	- - - Electronic assemblies of machines of subheading 8504 40 30 and 8504 40 35
8504 90 99	- - - Other'

(d) in Annex C IV, on page 36 for order No 06.0070, the description of CN code 7214 99 90 shall be replaced by the following:

' - - - Containing by weight 0,6 % or more of carbon'.

10. In Annex D, the following amendments shall be made:

- (a) in the heading of the fourth column, the words 'Federal Republic of Yugoslavia' and 'and Fyrom' shall be deleted;
- (b) the tariff concession for 'sour cherries (*Prunus cerasus*), fresh', shall be replaced by the following:

'0809 20 05	Sour cherries (<i>Prunus cerasus</i>), fresh	Free ⁽²⁾	2 500 (ceiling) ⁽³⁾
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- (c) the amount of '19 800 tonnes' (mentioned three times) of the ceiling for prepared sour cherries (falling within CN codes ex 0811 90 19, ex 0811 90 39, 0811 90 75, ex 0812 10 00 and 2008 60 51, 2008 60 61, 2008 60 71 and 2008 60 91) shall be replaced by '12 800 tonnes'.
- (d) the amount of '3 000 tonnes' of the reference quantity for prepared cucumbers (falling within CN code ex 2001 10 00), shall be replaced by '2 000 tonnes'.

11. Annex E shall be amended as follows:

- (1) in column 4 related to the tariff quota with order No 09.1515, the words 'the former Yugoslav Republic of Macedonia and' shall be inserted before 'Slovenia';
- (2) the tariff quota with order No 09.1505 for tobacco of the 'Prilep' type and the Taric subdivisions for this quota shall be deleted;
- (3) the model of the authenticity certificate for tobacco of the 'Prilep' type shall be deleted;
- (4) the amounts given for the hereinafter mentioned tariff quotas listed in column 4 shall be replaced by the following:

'09.1507	100 tonnes
09.1509	700 tonnes
09.1511	600 tonnes
09.1503	4 920 hl'

12. In Annex G, the rows 'Federal Republic of Yugoslavia 9 975 tonnes (carcase weight)' and 'Former Yugoslav Republic of Macedonia 825 tonnes (carcase weight)' shall be deleted.

Article 2

This Regulation shall enter into force on the 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, 29 December 1997.

For the Council

The President

J. POOS

ANNEX

Order No	Ceiling (tonnes)
Annex C I	
01.0010	5 757
01.0020	50 555
01.0030	75 287
01.0040	1 772
01.0050	1 109
01.0060	5 022
01.0080	581
01.0090	160 616 m ³
01.0100	21 750
01.0110	720
01.0120	856
01.0130	356
01.0140	8 650
01.0150	2 678
01.0160	14 063
01.0167	4 858
01.0170	1 356
01.0190	1 345
01.0200	4 709
01.0220	5 831
01.0230	3 123
01.0240	3 741
01.0250	610
01.0270	1 156
01.0280	8 913
01.0290	7 953
Annex C II	
03.0010	1 008 000
Annex C III	
04.0030	4 457
04.0040	1 661
04.0050	1 274
04.0090	1 542
Annex C IV	
06.0010	39 548
06.0020	39 042
06.0030	37 832
06.0040	5 394
06.0050	7 585
06.0060	47 056
06.0070	37 694

COMMISSION REGULATION (EC) No 2637/97
of 30 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 Commis-

sion 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 31 December 1997.

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

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 30 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 50	204	50,4
	624	201,0
	999	125,7
0707 00 40	052	61,9
	999	61,9
0709 10 40	220	184,3
	999	184,3
0709 90 79	052	96,2
	204	138,3
	999	117,3
0805 10 61, 0805 10 65, 0805 10 69	204	42,8
	448	24,0
	528	44,4
	999	37,1
0805 20 31	052	76,2
	204	53,0
	999	64,6
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	99,4
	999	99,4
0805 30 40	052	86,0
	400	84,5
	600	91,8
	999	87,4
0808 10 92, 0808 10 94, 0808 10 98	060	48,1
	400	85,4
	404	84,7
	720	56,7
	999	68,7
0808 20 67	064	93,6
	400	98,2
	999	95,9

⁽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 2638/97
of 30 December 1997
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

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

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 January 1998.

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	35,42	25,42
1001 90 99	Common high quality wheat other than for sowing ⁽²⁾	35,42	25,42
	medium quality	57,40	47,40
	low quality	65,55	55,55
1002 00 00	Rye	75,58	65,58
1003 00 10	Barley, seed	75,58	65,58
1003 00 90	Barley, other ⁽³⁾	75,58	65,58
1005 10 90	Maize seed other than hybrid	84,56	74,56
1005 90 00	Maize other than seed ⁽³⁾	84,56	74,56
1007 00 90	Grain sorghum other than hybrids for sowing	75,58	65,58

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 15 December 1997 to 29 December 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	123,36	114,31	111,53	95,00	210,92 (')	100,22 (')
Gulf premium (ECU/tonne)	—	14,16	8,80	6,32	—	—
Great Lakes premium (ECU/tonne)	17,02	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,51 per tonne; Great Lakes — Rotterdam: ECU 23,60 per tonne.

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

COMMISSION REGULATION (EC) No 2639/97

of 30 December 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 December 1997.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	39,85 ⁽²⁾
1702 60 10 9000	39,85 ⁽²⁾
1702 60 80 9100	75,72 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,3985 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	39,85 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,3985 ⁽¹⁾
1702 90 71 9000	0,3985 ⁽¹⁾
1702 90 99 9900	0,3985 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	39,85 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,3985 ⁽¹⁾

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

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

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

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

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

COMMISSION REGULATION (EC) No 2640/97

of 30 December 1997

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2539/97⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2539/97 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2539/97 are hereby altered to the amounts shown in 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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

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 347, 18. 12. 1997, p. 11.

ANNEX

to the Commission Regulation of 30 December 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,66 ⁽¹⁾
1701 11 90 9910	32,91 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,66 ⁽¹⁾
1701 12 90 9910	32,91 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3985
	— ECU/100 kg —
1701 99 10 9100	39,85
1701 99 10 9910	39,85
1701 99 10 9950	39,85
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3985

⁽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 2641/97

of 30 December 1997

fixing the production refund for olive oil used in the manufacture of certain
preserved foods

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 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the above-mentioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the

reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund; whereas the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of January and February 1998, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be ECU 64,07 per 100 kilograms.

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

**COMMISSION REGULATION (EC) No 2642/97
of 30 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 35,410 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 31,984 per 100 kilograms in Spain,
 - ECU 38,043 per 100 kilograms in Greece,
 - ECU 70,890 per 100 kilograms in other Member States.

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽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.

COMMISSION REGULATION (EC) No 2643/97

of 30 December 1997

altering the corrective amount applicable to the refund on cereals

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

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 2374/97⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in 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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 29. 11. 1997, p. 25.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 December 1997 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:
01 all third countries.

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

COMMISSION REGULATION (EC) No 2644/97

of 30 December 1997

altering the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the corrective amount applicable to the refund on malt was fixed by Commission Regulation (EC) No 2375/97⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on malt should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to is hereby altered to the amount set out in 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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1997 altering the corrective amount applicable to the refund on malt

(ECU/tonne)						
Product code	Current	1st period	2nd period	3rd period	4th period	5th period
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

(ECU/tonne)						
Product code	6th period	7th period	8th period	9th period	10th period	11th period
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 29. 11. 1997, p. 27.

COMMISSION REGULATION (EC) No 2645/97

of 23 December 1997

opening a standing invitation to tender for the export of maize held by the Austrian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export of 51 283 tonnes of maize held by the Austrian intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the maize is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

Whereas Article 7 (2a) of Regulation (EEC) No 2131/93 provides for the possibility of reimbursing the successful tenderer for the lowest transport costs between the place of storage and the actual place of exit; whereas, in view of Austria's geographical position, that provision should be applied;

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

Subject to the provisions of this Regulation the Austrian intervention agency issues a standing invitation to tender

for the export of maize held by it in accordance with Regulation (EEC) No 2131/93.

Article 2

1. The invitation to tender shall cover a maximum of 51 283 tonnes of maize for export to Switzerland, Liechtenstein, Slovenia, the Czech Republic and Slovakia.

2. The regions in which the 51 283 tonnes of maize are stored are set out at Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.

2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.

3. Article 8 (2) of Regulation (EEC) No 2131/93 shall not apply.

4. In application of Article 7 (2a) of Regulation (EEC) No 2131/93, the successful tenderer shall be reimbursed for the lowest transport costs between the place of storage and the actual place of exit.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 8 January 1998.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 2 April 1998.

4. Tenders shall be lodged with the Austrian intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analyses results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

- one percentage point as regards moisture content,
- half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
- half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference ex-

ceeding the limits set out in point (b), the successful tenderer may:

— accept the lot as established, or

— refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention maize of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention maize of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the maize is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the EAGGF in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

Article 7

By derogation from Article 12 of Regulation (EEC) No 3002/92, the documents relating to the sale of maize in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

- Maíz de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 2645/97
- Majs fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 2645/97
- Interventionsmais ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2645/97
- Καλαμπόκι παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2645/97
- Intervention maize without application of refund or tax, Regulation (EC) No 2645/97
- Maïs d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2645/97
- Granturco d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2645/97
- Maïs uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2645/97
- Milho de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 2645/97
- Interventiomaissi, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2645/97
- Interventionsmajs, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2645/97.

Article 8

1. The security lodgement pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

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

Done at Brussels, 23 December 1997.

2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽¹⁾ notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the maize removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies the proof referred to in Article 17 (3) of Regulation (EEC) No 2131/93.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 301, 17. 10. 1992, p. 17.

ANNEX I

(tonnes)	
Place of storage	Quantity
Niederösterreich/northern Burgenland	12 988
Steiermark/southern Burgenland	29 775
Kärnten	8 520

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of maize held by the Austrian intervention agency

(Article 6 (1) of Regulation (EC) No 2645/97)

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

*ANNEX III***Standing invitation to tender for the export of maize held by the Austrian intervention agency**

(Regulation (EC) No 2645/97)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.*ANNEX IV*

The only numbers to use to call Brussels are (DG VI-C-1)

— telex: 22037 AGREC B,
22070 AGREC B (Greek characters);

— fax: 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 2646/97

of 30 December 1997

opening a standing invitation to tender for the export of barley held by the Finnish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas a standing invitation to tender should be opened for the export of 23 791 tonnes of barley from 1992 and 1993 crops held by the Finnish intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the barley is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

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

Subject to the provisions of this Regulation the Finnish intervention agency issues a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 23 791 tonnes of barley for export to third countries.
2. The regions in which the 23 791 tonnes of barley are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8 (2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 8 January 1998.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 2 April 1998.
4. Tenders shall be lodged with the Finnish intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of

⁽⁵⁾ OJ L 331, 2. 12. 1988, p. 1.

removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analyses results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

- two kilograms per hectolitre as regards specific weight, which must not, however, be less than 60 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
- half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II;

however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the barley is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the EAGGF in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Regulation (EEC) No 3002/92, the documents relating to the sale of barley in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

⁽¹⁾ OJ L 74, 20. 3. 1992, p. 18.

- Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 2646/97
- Byg fra intervention uden restitutionsydelse eller afgift, forordning (EF) nr. 2646/97
- Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 2646/97
- Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 2646/97
- Intervention barley without application of refund or tax, Regulation (EC) No 2646/97
- Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 2646/97
- Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 2646/97
- Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 2646/97
- Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 2646/97
- Interventio-ohraa, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 2646/97
- Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 2646/97.

Article 8

1. The security lodgement pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.
2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the

export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽¹⁾ notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the barley removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies the proof referred to in Article 17 (3) of Regulation (EEC) No 2131/93.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the Finnish intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 301, 17. 10. 1992, p. 17.

ANNEX I

(tonnes)	
Place of storage	Quantity
Helsinki	7 237
Koria	5 882
Vainikkala	10 672

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
barley held by the Finnish intervention agency**

(Article 6 (1) of Regulation (EC) No 2646/96)

— Name of successful tenderer:

— Date of award of contract:

— Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

*ANNEX III***Standing invitation to tender for the export of barley held by the Finnish intervention agency**

(Regulation (EC) No 2646/97)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters);
- fax: 296 49 56,
295 25 15.
-

COMMISSION REGULATION (EC) No 2647/97

of 30 December 1997

**fixing the rates of refunds applicable to certain products from the sugar sector
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds⁽³⁾ as last amended by Regulation (EC) No 1909/97⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,16	5,16
— in all other cases	39,85	39,85
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	4,75	4,75
— in all other cases	36,66	36,66
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{5,16^{(*)} \times S^{(1)}}{100}$	$\frac{5,16^{(*)} \times S^{(1)}}{100}$
— in all other cases	$\frac{39,85^{(*)} \times S^{(1)}}{100}$	$\frac{39,85^{(*)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,16 ⁽³⁾	5,16 ⁽³⁾
— in all other cases	39,85 ⁽³⁾	39,85 ⁽³⁾

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 2648/97

of 30 December 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

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

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

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

Article 2

This Regulation shall enter into force on 1 January 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

to the Commission Regulation of 30 December 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	68,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported	64,59
	(b) On exportation of other goods	102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported	45,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 2649/97
of 30 December 1997

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the

Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 31 December 1997.

It shall apply from 31 December 1997 to 13 January 1998.

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

Done at Brussels, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(ECU/100 pieces)

Period from 31 December 1997 to 13 January 1998

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,37	11,74	66,02	21,03
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	15,32	15,52	15,54	14,34
Morocco	13,75	13,95	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 2650/97

of 30 December 1997

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of large-flowered roses originating in Israel

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip⁽¹⁾, as last amended by Regulation (EC) No 1300/97⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Commission Regulation (EC) No 1667/97⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco, the West Bank and the Gaza Strip respectively;

Whereas Commission Regulation (EC) No 2649/97⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EC) No 2062/97⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last

amended by Regulation (EC) No 150/95⁽⁹⁾, 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⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 January 1998 to 31 December 1998; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽⁵⁾ See page 50 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁸⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ L 188, 27. 7. 1996, p. 22.

COMMISSION REGULATION (EC) No 2651/97

of 30 December 1997

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip⁽¹⁾, as last amended by Regulation (EC) No 1300/97⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Commission Regulation (EC) No 1667/97⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip;

Whereas Commission Regulation (EC) No 2649/97⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EC) No 2062/97⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last

amended by Regulation (EC) No 150/95⁽⁹⁾, 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⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 January to 31 December 1998; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest;

Whereas, in between meetings of the Management Committee, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽⁵⁾ See page 50 of this Official Journal.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁸⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ L 188, 27. 7. 1996, p. 22.

COMMISSION REGULATION (EC) No 2652/97
of 30 December 1997
fixing the agricultural conversion rates

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

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⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 1985/97⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 1482/96⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 21 to 30 December 1997, it is necessary to fix a new agricultural conversion rate for the Irish punt and the Portuguese escudo;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (2) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 1985/97 is hereby repealed.

Article 4

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 23.

⁽⁴⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,54917	Danish kroner
	1,98243	German marks
	312,011	Greek drachmas
	201,259	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23273	Dutch guilders
	0,76345	Irish punt
	1 973,93	Italian lire
	13,9485	Austrian schillings
	167,153	Spanish pesetas
	8,65258	Swedish kroner
	0,69573	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,25882	Danish kroner		7,86372	Danish kroner
	1,90618	German marks		2,06503	German marks
	300,011	Greek drachmas		325,011	Greek drachmas
	193,518	Portuguese escudos		209,645	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14686	Dutch guilders		2,32576	Dutch guilders
	0,73409	Irish punt		0,79526	Irish punt
	1 898,01	Italian lire		2 056,18	Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	160,724	Spanish pesetas		174,118	Spanish pesetas
	8,31979	Swedish kroner		9,01310	Swedish kroner
	0,66897	Pound sterling		0,72472	Pound sterling

COMMISSION REGULATION (EC) No 2653/97

of 30 December 1997

fixing the production refund for white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Commission Regulation (EC) No 1126/96⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EC)

No 1730/97⁽⁶⁾, specifies the method to be used for establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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 production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 34,686 for the quarter 1 January to 31 March 1998.

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, 30 December 1997.

For the Commission

Hans VAN DEN BROEK

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 94, 9. 4. 1986, p. 9.
⁽⁴⁾ OJ L 150, 25. 6. 1996, p. 3.
⁽⁵⁾ OJ L 201, 25. 7. 1978, p. 26.

⁽⁶⁾ OJ L 243, 5. 9. 1997, p. 5.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1997

laying down special conditions governing imports of fishery and aquaculture products originating in India

(Text with EEA relevance)

(97/876/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by Directive 95/71/EC⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽³⁾, as last amended by Directive 96/43/EC⁽⁴⁾, and in particular Article 19 (7) thereof,

Whereas a Commission expert has conducted an inspection visit to India to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of India on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in India the Export Inspection Council of India (EIC) of Ministry of Commerce is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC

must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval number of the establishment, cooling store of freezing vessel of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments, cooling stores or freezing vessels must be drawn up; whereas that list must be drawn up on the basis of a communication from the EIC to the Commission; whereas it is therefore for the EIC to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the EIC has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments, cooling stores or freezing vessels;

Whereas it is necessary to repeal Commission Decision 97/515/EC of 1 August 1997 concerning certain protective measures with regard to certain fishery products originating in India⁽⁵⁾;

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ L 332, 30. 12. 1995, p. 40.

⁽³⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽⁵⁾ OJ L 214, 6. 8. 1997, p. 52.

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

HAS ADOPTED THIS DECISION:

Article 1

The Export Inspection Council of India (EIC) of Ministry of Commerce shall be the competent authority in India for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in India, must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments listed in Annex B hereto;

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'INDIA' and the approval number of the establishment, cooling store or freezing vessel of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2 (1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the EIC and the latter's official stamp in a colour different from that of other endorsements.

Article 4

Decision 97/515/EC is repealed.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in India and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: INDIA

Competent authority: Export Inspection Council of India (EIC) of Ministry of Commerce

I. Details identifying the fishery products

Description of fishery/aquaculture products⁽¹⁾:

— species (scientific name):

— presentation of product and type of treatment⁽²⁾:

Code number (where available):

Type of packaging:

Number of packages:

Net weight:

Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), cooling store(s) or freezing vessel(s) approved by the EIC for export to the EC:

.....

.....

.....

III. Destination of products

The products are dispatched

from:

(place of dispatch)

to:

(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

.....

.....

Name of consignee and address at place of destination:

.....

.....

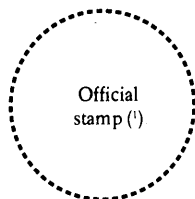
⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 97/876/EC.

Done at on
(Place) (Date)



.....
Signature of official inspector (')

.....
(Name in capital letters, capacity and qualifications of person signing)

.....
(') The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
981	Accelerated Freeze Drying Co. Ltd	Bangalore (Karnataka)
883	Amulya Seafoods	Tuticorin (Tamil Nadu)
686	Cap Sea Foods (A division of Abad Fisheries)	Vypeen Island, Cochin (Kerala)
520	Capithan Exporting Co.	Quilon (Kerala)
694	Choice Canning Co. Unit III	Cochin (Kerala)
253	Castlerock Fisheries Limited	Taloja, Distt. Raigad Near Mumbai, Maharashtra
935	Innovative Marine Foods Limited (Amalgam Enterprises)	Pamarru, Andhra Pradesh
208	Innovative Marine Foods Limited	Taloja, Distt. Raigad Near Mumbai, Maharashtra
687	Lansea Foods Private Limited	Cochin (Kerala)
683	Torry Harris Seafood Limited	Eramalloor, Alleppey (Kerala)

COMMISSION DECISION

of 23 December 1997

amending Decision 97/296/EC drawing up the list of third countries from which
the import of fishery products is authorized for human consumption

(Text with EEA relevance)

(97/877/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2 (2) thereof,

Whereas Commission Decision 97/296/EC⁽³⁾ as last amended by Decision 97/758/EC⁽⁴⁾, lists the third countries from which importation of fishery products is authorised for human consumption;

Whereas Commission Decision 97/876/EC⁽⁵⁾ sets specific import terms for fishery and aquaculture products originating in India; whereas India should therefore be added to the list of third countries from which importation of fishery products is authorised;

Whereas Article 3 (4) (b) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁶⁾ requires that before processing bivalve molluscs satisfy the requirements of Council Directive 91/492/EEC⁽⁷⁾; whereas in consequence the list

of third countries meeting the terms of Directive 91/492/EEC also applies for imports of processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/296/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 122, 14. 5. 1997, p. 21.

⁽⁴⁾ OJ L 307, 12. 11. 1997, p. 38.

⁽⁵⁾ See page 57 of this Official Journal.

⁽⁶⁾ OJ L 268, 24. 9. 1991, p. 15.

⁽⁷⁾ OJ L 268, 24. 9. 1991, p. 1.

ANNEX

List of third countries from which importation of fishery products in any form intended for human consumption is authorised*I. Third countries covered by a specific decision under Council Directive 91/493/EC*

Albania	Gambia	Philippines
Argentina	India	Russia
Australia	Indonesia	Senegal
Brazil	Japan	Singapore
Canada	Madagascar	South Africa
Chile	Malaysia	South Korea
Colombia	Mauritania	Taiwan
Cote d'Ivoire	Morocco	Thailand
Ecuador	New Zealand	Uruguay
Faroës	Peru	

II. Third countries meeting the terms of Article 2 (2) of Council Decision 95/408/EC

Bangladesh	Guatemala	Surinam
Belize	Honduras	Switzerland
China	Maldives	Togo
Costa Rica	Mexico	Tunisia
Croatia	Namibia	Turkey
Cuba	Panama	United States of America
Falkland Islands	Poland	Venezuela
Fiji	Seychelles	Vietnam
Greenland	Slovenia	

COMMISSION DECISION

of 23 December 1997

concerning certain protective measures with regard to certain fishery products
originating in Uganda, Kenya, Tanzania and Mozambique

(Text with EEA relevance)

(97/878/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 96/43/EC⁽²⁾, and in particular Article 19 (1) thereof,

Whereas within the meaning of Article 19 of Directive 90/675/EEC the necessary decisions must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious danger for animal or human health appears or is spreading;

Whereas there is a cholera epidemic in Kenya, Uganda, Tanzania and Mozambique and this disease presents a serious risk for human health, while the cholera agent can contaminate animals and animal products;

Whereas imports of fresh fishery products from, or originating in Kenya, Uganda, Tanzania and Mozambique should be prohibited;

Whereas processed and frozen fishery products from Kenya, Uganda, Tanzania and Mozambique should, on presentation for importation at the Community border inspection posts, be sampled in order to demonstrate their wholesomeness;

Whereas tests of this nature should be used to detect in particular the presence of salmonellae and vibrios (*Vibrio cholerae* and *V. parahaemolitycus*),

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to fishery products, fresh, frozen or processed, originating in Kenya, Uganda, Tanzania and Mozambique. It shall not apply to fishery products caught, frozen and packaged in their final packaging at sea and landed directly on Community territory.

Article 2

Member States shall prohibit the introduction to their territory of fresh fishery products originating in Kenya, Uganda, Tanzania and Mozambique.

Article 3

Member States shall, using appropriate sampling plans and detection methods, subject each consignment of frozen or processed fishery products originating in Kenya, Uganda, Tanzania and Mozambique, with the exception of sterilised products, to a microbiological test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detecting the presence of salmonellae and, in the case of frozen products, vibrios (*Vibrio cholerae* and *V. parahaemolitycus*).

Article 4

Member States shall not authorise the introduction of the fishery products in question into their territory or their consignment to another Member State unless the results of the checks required are favourable.

Article 5

If the authorities of the Member States detect the presence of a cholera agent during checks on imports they shall immediately inform the Commission and the other Member States, without prejudice to the measures to be taken in respect of the contaminated consignment.

Article 6

All expenditure incurred by the application of this Decision shall be charged to the consignor, the consignee or their agent.

Article 7

Commission Decisions 97/272/EC⁽³⁾, 97/273/EC⁽⁴⁾ and 97/274/EC⁽⁵⁾ are repealed.

⁽¹⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 108, 25. 4. 1997, p. 48.

⁽⁴⁾ OJ L 108, 25. 4. 1997, p. 50.

⁽⁵⁾ OJ L 108, 25. 4. 1997, p. 51.

Article 8

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission
