

Official Journal

of the European Communities

ISSN 0378-6978

L 77

Volume 40

19 March 1997

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 492/97**of 18 March 1997****amending Regulation (EC) No 315/97 setting export refunds on products processed from fruit and vegetables other than those granted for added sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, and in particular Article 16(3) thereof,

Whereas Commission Regulation (EC) No 315/97⁽²⁾ fixes the quantities eligible for export licences, other than those applied for in the context of food aid;

Whereas Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars⁽³⁾, as amended by Regulation (EC) No 341/96⁽⁴⁾, sets up the components for establishing the quantities on which export refunds may be paid; whereas, for reasons of transparency, the updated situation concerning those quantities should be brought to the attention of the operators;

Whereas Commission Regulation (EEC) No 3846/87⁽⁵⁾, as last amended by Regulation (EC) No 2230/96⁽⁶⁾, esta-

blishes an agricultural product nomenclature for export refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 315/97 is hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 18 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 51, 21. 2. 1997, p. 37.

⁽³⁾ OJ No L 271, 24. 10. 1996, p. 25.

⁽⁴⁾ OJ No L 141, 24. 6. 1995, p. 28.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 305, 27. 11. 1996, p. 1.

ANNEX

ANNEX

Product (The full definitions of the eligible products are given in the "processed fruit and vegetables" sector of Commission Regulation (EEC) No 3846/87, as amended).		Product code	Destination code ⁽¹⁾	Licence issuing period from May to June 1997	
				Period for submission of applications: from 24 February to 23 June 1997	
				Refund rate (ECU/tonne net)	Quantities provided (in tonnes)
Provisionally preserved cherries		0812 10 00 9100	A	95,0	3 445,012
Peeled tomatoes		2002 10 10 9100	B	70,4	49 544,512
Preserved cherries		2006 00 31 9000 2006 00 99 9100	A	215,0	1 179,013
Prepared hazelnuts		2008 19 19 9100 2008 19 99 9100	C	102,3	778,430
Orange juice	With a sugar content of not less than 10° Brix, but less than 22° Brix	2009 11 99 9110 2009 19 99 9110	C	9,8	441,724
	With a sugar content of not less than 22° Brix, but less than 33° Brix	2009 11 99 9120 2009 19 99 9120	C	19,7	1,083
	With a sugar content of not less than 33° Brix, but less than 44° Brix	2009 11 99 9130 2009 19 99 9130	C	29,5	1,083
	With a sugar content of not less than 44° Brix, but less than 55° Brix	2009 11 99 9140 2009 19 99 9140	C	39,4	24,901
	With a sugar content of not less than 55° Brix	2009 11 99 9150 2009 19 99 9150	C	49,3	395,170

⁽¹⁾ The destinations codes are defined as follows:

- A: All destinations except the countries of North America,
- B: All destinations except the United States of America,
- C: All destinations.

COMMISSION REGULATION (EC) No 493/97
of 18 March 1997

correcting Regulation (EC) No 439/97 altering the rates of refund applicable for certain products of the cereals and rice sectors 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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 923/96⁽²⁾, and in particular the fourth subparagraph of Article 13 (3) thereof,

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

Whereas Commission Regulation (EC) No 439/97⁽⁴⁾ altered the rates of refund applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty; whereas a

verification has shown that certain amounts had been determined erroneously, whereas, therefore, it is necessary to correct the Regulation in question,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 439/97, in case of application of Article 4 (5) (b) of Commission Regulation (EC) 1222/94⁽⁵⁾ the amounts relating to maize starch, glucose, glucose syrup, maltodextrine, maltodextrine syrup, potato starch (assimilated to a product derived from the processing of maize) and rice starch, are replaced by the following amounts:

CN code	Description of products	Rate of refund per 100 kg of basic product
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94 ⁽²⁾ — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94 ⁽²⁾	1,210 0,805
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94 ⁽²⁾	1,210
1006 40 00	Broken rice, used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94 ⁽²⁾	 0,940

Article 2

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

It shall be applicable with effect from 7 March 1997.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 67, 7. 3. 1997, p. 11.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

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

Done at Brussels, 18 March 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

COMMISSION REGULATION (EC) No 494/97

of 18 March 1997

modifying Commission Regulation (EEC) No 2868/88 establishing detailed rules for the application of the Joint International Inspection Scheme adopted by the North-West Atlantic Fisheries Organization (NAFO)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1956/88 of 9 June 1988⁽¹⁾, establishing detailed rules for the application of the Joint International Inspection Scheme adopted by the North-West Atlantic Fisheries Organization as last amended by Council Regulation (EC) No 3067/95⁽²⁾ and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2868/88⁽³⁾ fixes certain rules for the implementation of the Joint International Inspection Scheme and Council Regulation (EEC) No 1956/88;

Whereas the Council in the interests of improving control and the enforcement of measures within the NAFO Regulatory Area, has adopted Council Regulation (EC) No 3067/95 and modified Regulation (EEC) No 1956/88 with respect to the Joint International Inspection Scheme;

Whereas it is appropriate to establish detailed rules for the application of new provisions of the said scheme particularly those concerning the inspection of community fishing vessels operating in the NAFO zone and presumed to have committed a major apparent infringement;

Whereas it is appropriate that details of the competent authorities of the Member States concerned should be listed in the Annex to this regulation;

Whereas it is therefore appropriate to modify Commission Regulation (EEC) No 2868/88;

Whereas the measures adopted by the regulation are in conformity with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2868/88 is hereby amended as follows:

1. The following Articles 4 (a) and 4 (b) are inserted:

Article 4 (a)

1. Where the appropriate authorities of the flag Member State are notified, pursuant to paragraph 10 (iii) of the Annex to Regulation (EEC) No 1956/88, by a NAFO inspector of an apparent serious infringement, as listed in paragraph 9 of the Annex to Regulation (EEC) No 1956/88, committed by a fishing vessel flying its flag or where the Commission receives such information, these appropriate authorities and the Commission shall immediately inform each other thereof.

2. As a result of receiving the information pursuant to paragraph 1 and of being notified by another Contracting Party or by Community inspectors assigned to the scheme of an apparent serious infringement as listed in paragraph 9 of the Annex to Regulation (EEC) No 1956/88, committed by a Community vessel, the Commission in cooperation with the flag Member State, shall ensure that the vessel is inspected within 72 hours by a duly authorized inspector.

3. The Commission and the flag Member State shall cooperate in order to determine as soon as possible if the inspection referred to in paragraph 2 is to be conducted by a Community inspector assigned to the scheme or by an inspector designated by the appropriate authorities of the flag Member State.

4. The duly authorized inspector shall board the fishing vessel concerned and shall examine the elements that make up the apparent serious infringement detected by the NAFO inspector and shall as soon as possible transmit to the appropriate authority of the flag Member State and to the Commission the results of his examination.

5. Following the notification of his results and if the apparent infringement is serious, in accordance with the definition of infringements in paragraph 9 of the Annex to Regulation (EEC) No 1956/88, the appropriate authority of the flag Member State shall, if the situation requires, within 24 hours, itself require or authorize the duly authorized inspector to require the vessel to proceed to a designated port in accordance with paragraph 10 (ii) of the Annex to Regulation (EEC) No 1956/88.

The time limit referred to in the first subparagraph may be extended by the Commission at the request of a Member State addressed to the Commission, up to a maximum of 72 hours.

⁽¹⁾ OJ No L 175, 6. 7. 1988, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 1.

⁽³⁾ OJ No L 257, 17. 9. 1988, p. 20.

In the event of a diversion, the duly authorized inspector shall take all necessary measures to ensure security and continuity of the evidence including, as appropriate, sealing the vessel's hold for eventual dockside inspection.

6. On arrival at the port of diversion, the suspect vessel shall be the subject of a thorough inspection carried out under the authority of the flag Member State, which may be attended by a NAFO inspector from any other Contracting Party wishing to take part. The Flag Member State shall immediately inform the Commission of the results of the inspection, using the form in Annex I to this Regulation, and of the measures it has taken to deal with the infringement.

7. In the appropriate authority of the flag state does not require the vessel to be diverted to a port in accordance with paragraph 10 (ii) of the Annex to Regulation (EEC) No 1956/88, it shall immediately inform the Commission of the reasons on which its decision was based. The Commission shall in due course inform the Executive Secretariat of NAFO of that decision and of the reasons therefor.

Article 4 (b)

1. When the Community inspectors suspect that a fishing vessel flying the flag of a Contracting Party has committed one of the serious infringements listed in paragraph 9 of the Annex to Council Regulation (EEC) No 1956/88, the inspectors in question shall, within 24 hours, inform the appropriate authorities of the flag state concerned and the Executive Secretariat of NAFO thereof, supplying them with all the elements on the basis of which they cited that vessel for having committed an apparent serious infringement. The Commission shall send the Member States a copy of the notification addressed to the Executive Secretariat of NAFO.

2. The Commission shall decide, with the agreement of the Contracting Party responsible for the vessel, if a Community inspector is to remain on board when the vessel is diverted. The Commission shall also decide if a Community inspector is to be present during the thorough inspection of the suspect vessel, in port.'

2. In Article 9, the introductory words are replaced by the following:

'Each Member State shall notify to the Commission by 25 January each year for the period 1 July to 31 December, and by 25 August each year for the period 1 January to 30 June, the information required in points 1 and 2 of this Article, in accordance with the model in Annex II, and also the information required in point 3 of this Article, in accordance with the model in Annex III.'

3. The following point 3 is added to Article 9:

'3. Any significant difference between the Community fishing vessel's position recorded in the "NAFO report" and the actual position established at the time of the vessel's inspection.'

4. The following Article 9 (a) is inserted:

'Article 9 (a)

The transmission of information between the Member States' competent authorities and the Commission shall take place via the appropriate authorities whose details are set out in Annex IV.'

5. Annexes I to IV to this Regulation are added.

Article 2

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

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

Done at Brussels, 18 March 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX I

NORTH-WEST ATLANTIC FISHERIES ORGANIZATION

Information on inspection

Flag Member State:

IDENTITY OF VESSEL		INFORMATION ON THE FISHING OPERATIONS (ACTIVITY)			
Name of vessel:		Date	Time	Port	
	Departure				
	Return				
Radio call sign:	Interim port visit				
	Fishing zone:				
External identification:	Date of arrival:				
	Date of departure:				
INSPECTIONS					
Port inspections					
Date	Port	Inspection party	Results		

ANNEX II

NORTH-WEST ATLANTIC FISHERIES ORGANIZATION

Information on the catch registration differences and/or apparent infringements

Flag Member State:

[illegible]

NORTH-WEST ATLANTIC FISHERIES ORGANIZATION

Information on the difference between the 'NAFO Report' and the inspection report

Flag Member State:

[illegible]

ANNEX IV

DETAILS OF THE COMPETENT AUTHORITIES

GERMANY

Name	BUNDESANSTALT FÜR LANDWIRTSCHAFT UND ERNÄHRUNG
Address	Palmaille 9 D-22767 Hamburg
Telephone number	(49 40) 389 05-173
Fax number	(49 40) 389 05-128
Telex number	0214 763
E-mail number	—
Date and times available	Monday to Thursday 07h00 to 16h00 Friday 07h00 to 14h00

DENMARK

Name	FISKERIDIREKTORATET
Address	Stormgade 2 DK-1470 København K.
Telephone number	(45) 33 96 36 09
Fax number	(45) 33 93 39 00
Telex number	16144 fm dk
E-mail number	—
Date and times available	24h/24h

SPAIN

Name	DIRECCIÓN GENERAL DE RECURSOS PESQUEROS
Address	Calle Ortega y Gasset, 57 E-28006 Madrid
Telephone number	(34 1) 402 50 00
Fax number	(34 1) 402 02 12
Telex number	—
E-mail number	—
Date and times available	Monday to Friday 08h00 to 15h00

PORTUGAL

Name	INSPECÇÃO-GERAL DAS PESCAS
Address	Ed. Vasco da Gama Alcântara-Mar P-1350 Lisboa
Telephone number	(351 1) 391 35 81/52
Fax number	(351 1) 397 91 93
Telex number	60339 SEPGC P
E-mail number	—
Date and times available	Monday to Friday 09h00 to 13h00 14h00 to 18h30

UNITED KINGDOM

Name	MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
Address	Nobel House 17 Smith Square UK-London SW1P 3JR
Telephone number	(44 171) 270 89 60
Fax number	(44 171) 270 81 25
Telex number	88 93 51 fish lw g
E-mail number	—
Date and times available	24h/24h

EUROPEAN COMMISSION

Name	DIRECTION GÉNÉRALE DE LA PÊCHE
Address	Rue Joseph II 99 B-1049 Bruxelles
Telephone number	(32 2) 299 11 11
Fax number	(32 2) 296 23 38
Telex number	24189 fiseu b
E-mail number	telecom@dg14.cec.be
X 400	S = TELECOM; O = DG14; P = CEC; A = RTT; C = BE
Date and times available	Monday to Friday 24h/24h

COMMISSION REGULATION (EC) No 495/97
of 18 March 1997

amending Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products and Regulation (EEC) No 3719/88 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

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 9 (2), and Article 13 (11) thereof, and to the corresponding provisions in other Regulations on the common organization of the market in agricultural products,

Whereas pursuant to Article 2a of Commission Regulation (EEC) No 3665/87⁽³⁾, as last amended by Regulation (EC) No 313/97⁽⁴⁾, the entitlement to a refund is conditional upon presentation of an export licence comprising advance fixing of the refund; whereas for reasons of proportionality it is appropriate in some sectors to extend the validity of export licences to product groups defined for this purpose; whereas to prevent abuse, whereby products with the highest rates of refund are selected systematically, a system of reductions for changing the product for which the refund has been fixed in advance should be introduced where the actual rate of refund is less than the rate for that product;

Whereas experience gained from the application of the sanctions laid down in Article 11 of Regulation (EEC) No 3665/87 has shown that some provisions should be clarified and amended; whereas, for reasons of clarity, the text of Article 11 should be replaced;

Whereas Commission Regulation (EC) No 1222/96⁽⁵⁾ introduced a twelve-digit refund nomenclature code;

Whereas, in order to facilitate customs verification, it is appropriate to provide the possibility of indicating on the export licence the product codes belonging to the product group as referred to in Article 2a (2) of Regulation (EEC) No 3665/87;

Whereas Regulation (EEC) No 3665/87 and Commission Regulation (EEC) No 3719/88⁽⁶⁾, as last amended by Regulation (EC) No 2402/96⁽⁷⁾, should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3665/87 is hereby amended as follows:

1. In Article 2a, the existing text becomes paragraph 1 and the following paragraphs 2 and 3 are added:

‘2. By way of derogation from paragraph 1, an export licence comprising advance fixing of the refund shall also be valid for the exportation of a product falling under a twelve-digit product code other than that indicated in section 16 of the licence if both products belong:

- (a) to the same category as referred to in the second subparagraph of Article 13a of Commission Regulation (EEC) No 3719/88⁽⁸⁾, or
- (b) to the same product group, provided that such product groups have been defined for this purpose in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 or the corresponding articles of the other Regulations governing the common organizations of the market.

In such cases, the following further conditions apply:

- (a) if the rate of refund corresponding to the actual product is equal to or higher than the rate applicable to the product indicated in section 16 of the licence, the latter rate shall apply;
- (b) if the rate of refund corresponding to the actual product is lower than the rate applicable to the product indicated in section 16 of the licence, the refund to be paid shall be that resulting from the application of the rate corresponding to the actual product, reduced, save in cases of *force majeure*, by 20 % of the difference between the refund corresponding to the product indicated in section 16 of the licence and the refund for the actual product.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 51, 21. 2. 1997, p. 31.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 62.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 327, 18. 12. 1996, p. 14.

Where point 6 of the second subparagraph and Article 20 (3) (b) apply, the reduction to be applied to the refund corresponding to the actual product and the actual destination shall be the difference between the refund corresponding to the product and destination indicated on the licence and the refund corresponding to the actual product and destination.

For the purpose of applying this paragraph, the rates of refund to be taken into consideration shall be those valid on the day on which the licence application is lodged. Where necessary those rates shall be adjusted on the day of acceptance of the export declaration or payment declaration.

3. Where paragraphs 1 or 2 and Article 11 apply to the same export operation, the amount resulting from paragraphs 1 or 2 shall be reduced by the amount of the sanction applicable pursuant to Article 11.

(¹) OJ No L 331, 2. 12. 1988, p. 1.

2. Article 11 is replaced by the following:

Article 11

1. Where it is found that an exporter, with a view to the grant of an export refund, has requested a refund in excess of that applicable; the refund due for the relevant exportation shall be the refund applicable to the actual exportation reduced by an amount equivalent to:

- (a) half the difference between the refund requested and the refund applicable to the actual exportation;
- (b) twice the difference between the refund requested and the refund applicable, if the exporter has intentionally supplied false information.

The refund requested shall be deemed to be the amount calculated from the information supplied pursuant to Article 3 or Article 25 (2). Where the rate of refund varies according to destination, the differentiated part of the refund requested shall be calculated using the particulars of quantity, weight and destination provided pursuant to Article 47.

The sanction referred to in point (a) of the first subparagraph shall not apply:

- (a) in the case of *force majeure*;
- (b) in exceptional cases where the exporter, on his own initiative, immediately after becoming aware that the refund requested is excessive, notifies the competent authority thereof in writing, unless the competent authority has informed the exporter that it intends to examine the request or the exporter has otherwise become aware of this intention, or the competent authority has already established that the refund requested was incorrect;

(c) in cases of obvious error as to the refund requested, recognized by the competent authority;

(d) in cases where the request for the refund is in accordance with Commission Regulation (EC) No 1222/94 (²), and in particular Article 3 (2) thereof, and has been calculated on the basis of the average quantities used over a specified period;

(e) in case of adjustment of the weight in so far as the deviation in the weight is due to a difference in the weighing method applied.

Where the reduction referred to under point (a) or (b) of the first subparagraph results in a negative amount, the exporter shall pay that negative amount.

Where the competent authorities establish that the refund requested was incorrect and the exportation has not been effected and consequently the refund cannot be reduced, the exporter shall pay the sanction provided for under point (a) or (b) of the first subparagraph which would apply if the exportation had been effected. Where the rate of refund varies according to destination, except in the case of a compulsory destination, the lowest positive rate or, if higher, the rate resulting from the indication as to the destination pursuant to Article 22 (2) or Article 25 (4) shall be taken into account for the calculation of the refund requested and the refund applicable.

The payment referred to in the fourth and fifth subparagraphs shall be made within 30 days from the day of receipt of the demand for payment. Where this time-limit is not met, the exporter shall pay interest for the period commencing 30 days after the date of receipt of the payment demand and ending on the day preceding the date of payment of the amount demanded at the interest rate referred to in paragraph 3.

The sanctions shall not apply simply where the refund requested is higher than the refund applicable pursuant to the application of Article 2a (2), Article 20 (3), Article 33 (2) and/or Article 48.

The sanctions shall be without prejudice to additional sanctions laid down at national level.

Member States may waive the application of sanctions of ECU 60 or less per export declaration.

Where the product indicated on the export declaration or payment declaration is not covered by the licence, no refund shall be due and the first subparagraph shall not apply.

Where the refund has been fixed in advance, the calculation of the sanction shall be based on the refund rates valid on the day on which the licence application is lodged and without taking into account of the loss of refund pursuant to Article 2a (1) or the reduction of

the refund pursuant to Article 2a (2) or Article 20 (3). Where necessary, those rates shall be adjusted on the day of acceptance of the export declaration or payment declaration.

2. The refund may be withheld if the amount thereof, per export declaration, does not exceed ECU 60.

3. Without prejudice to the obligation to pay any negative amount as referred to in the fourth subparagraph of paragraph 1, where a refund is unduly paid, the beneficiary shall reimburse the amounts unduly received, which includes any sanction applicable pursuant to the first subparagraph of paragraph 1, with interest calculated on the basis of the period between payment and reimbursement. However,

- (a) where reimbursement is covered by a security which has not yet been released, seizure of that security in accordance with Article 23 (1) or Article 33 (1) shall constitute recovery of the amounts due,
- (b) where the security has been released, the beneficiary shall pay the amount of the security which would have been forfeit, with interest calculated on the basis of the period from the date of release to the day preceding the date of payment.

The payment shall be made within 30 days from the day of receipt of the demand for payment.

The interest rate shall be determined in accordance with the provisions of national law but may not be less than the rate applicable for the recovery of national amounts.

If the undue payment was due to an error of the competent authority, no interest, or at the most an amount to be determined by the Member State corresponding to the undue profit, shall be levied.

Where the refund has been paid to an assignee, he and the exporter shall be jointly and severally liable for the reimbursement of the amounts unduly paid, securities unduly released and interest relating to that specific export transaction. The liability of the assignee, however, is limited to the amount paid to him, with interest on that amount.

4. The amounts recovered, the amounts resulting from the fourth and fifth subparagraphs of paragraph 1, and interest collected shall be paid to the paying agencies which shall deduct the amounts concerned from European Agricultural Guidance and Guarantee Fund (EAGGF) expenditure, without prejudice to Article 7 of Council Regulation (EEC) No 595/91 (**).

Where the time-limit for payment is not met, Member States may, instead of requiring reimbursement, decide that amounts unduly paid, securities unduly released

and interest until the date of set-off, shall be deducted from subsequent payments to the exporter concerned.

The provisions of the second subparagraph shall also apply to amounts to be paid pursuant to the fourth and fifth subparagraphs of paragraph 1.

5. Without prejudice to the possibility referred to in the ninth subparagraph of paragraph 1 of waiving sanctions of small amounts, Member States may refrain from demanding reimbursement of amounts unduly paid, securities unduly released, interest and amounts resulting from the fourth subparagraph of paragraph 1, where the total of those amounts per export declaration does not exceed ECU 60, provided that, under national law, such cases are covered by similar rules of non-recovery.

6. For the purposes of the application of paragraphs 1 to 5, where an export declaration contains several distinct refund nomenclature or combined nomenclature codes, the entries relating to each of those codes shall be treated as a separate declaration.

(*) OJ No L 136, 31. 5. 1994, p. 5.

(**) OJ No L 67, 14. 3. 1991, p. 11.

Article 2

Article 13a of Regulation (EEC) No 3719/88 is amended as follows:

1. In the first subparagraph, 'eleven-digit code' is replaced by 'twelve-digit code'.
2. The following subparagraph is added:

'Without prejudice to the first subparagraph, where a product group as referred to in point b of the first subparagraph of Article 2a (2) of Regulation (EEC) No 3665/87 is defined, the product codes belonging to the group may be entered in the application for licences and on the licences themselves in section 22, preceded by the statement: "product group Article 2a (2) Regulation (EEC) No 3665/87".'

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*.

It shall apply to exports for which the formalities referred to in Articles 3 or 25 of Regulation (EEC) No 3665/87 are completed on or after the date of entry into force of this Regulation.

On application by the interested party, submitted not later than one year after the entry into force of this Regulation, the provisions of point 1 of Article 1 shall be applied to cases for which those formalities have been completed on or after 1 July 1995.

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

Done at Brussels, 18 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 496/97

of 18 March 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 19 March 1997.

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

Done at Brussels, 18 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 18 March 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 15	204	60,6
	212	103,0
	624	144,1
	999	102,6
0707 00 15	052	128,0
	999	128,0
0709 10 10	220	121,3
	999	121,3
0709 90 73	052	71,7
	204	57,7
	999	64,7
0805 10 01, 0805 10 05, 0805 10 09	052	53,5
	204	45,1
	212	46,4
	448	23,4
	600	46,3
	624	52,1
	999	44,5
0805 30 20	052	54,6
	600	78,7
	999	66,6
0808 10 51, 0808 10 53, 0808 10 59	060	58,6
	388	101,3
	400	98,7
	404	102,4
	508	87,1
	512	76,9
	524	80,1
	528	69,9
	999	84,4
	388	64,1
0808 20 31	400	83,3
	512	61,2
	528	61,6
	999	67,6

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

COMMISSION REGULATION (EC) No 497/97
of 18 March 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 451/97⁽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 9 to 18 March 1997, it is necessary to fix a new agricultural conversion rate for the Swedish krona;

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 (3) 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 451/97 is hereby repealed.

Article 4

This Regulation shall enter into force on 19 March 1997.

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

Done at Brussels, 18 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 68, 8. 3. 1997, p. 22.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX I

Agricultural conversion rates

ECU 1 =	40,3225	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,95431	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	6,02811	Finnish marks
	2,19831	Dutch guilders
	0,778173	Irish punt
	1 973,93	Italian lire
	13,7529	Austrian schillings
	165,571	Spanish pesetas
	8,83274	Swedish kroner
	0,768177	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,7716	Belgian and Luxembourg francs	ECU 1 =	42,0026	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,87914	German marks		2,03574	German marks
	299,770	Greek drachmas		324,751	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,11376	Dutch guilders		2,28991	Dutch guilders
	0,748243	Irish punt		0,810597	Irish punt
	1 898,01	Italian lire		2 056,18	Italian lire
	13,2239	Austrian schillings		14,3259	Austrian schillings
	159,203	Spanish pesetas		172,470	Spanish pesetas
	8,49302	Swedish kroner		9,20077	Swedish kroner
	0,738632	Pound sterling		0,800184	Pound sterling

COMMISSION REGULATION (EC) No 498/97

of 18 March 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 1645/96⁽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 1683/96⁽⁶⁾ determined estimated production for the 1996/97 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 37,791 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 56,816 per 100 kilograms in Spain,
- ECU 26,308 per 100 kilograms in Greece,
- ECU 68,509 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 19 March 1997.

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ No L 207, 17. 8. 1996, p. 3.

⁽⁶⁾ OJ No L 217, 28. 8. 1996, p. 1.

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

Done at Brussels, 18 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 March 1997

concerning the conclusion, on behalf of the Community, of an Agreement between the European Community and the United Mexican States on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

(97/184/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof, in conjunction with the first sentence of Article 228 (2), and Article 228 (4) thereof,

Having regard to the proposal of the Commission,

Whereas, on 25 September 1995, the Council authorized the Commission to negotiate, on behalf of the Community, agreements on the control of precursors and chemical substances with the Member States of the Organization of American States;

Whereas the Commission, on the basis of this authorization, completed negotiations with the United Mexican States on 25 October 1996;

Whereas it is appropriate that the Council authorize the Commission, in consultation with a special committee appointed by the Council, to approve modifications on behalf of the Community where the Agreement provides for them to be adopted by the Joint Follow-up Group; whereas, such authorization must be limited to the modification of the Annexes of the Agreement in so far as it concerns substances already covered by the Community legislation on precursors and chemical substances,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the United Mexican States on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or

psychotropic substances shall be approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall on behalf of the Community, communicate the instrument provided for in Article 12 to the Government of the United Mexican States⁽¹⁾.

Article 3

1. The Community shall be represented in the Joint Follow-up Group provided for in Article 9 of the Agreement by the Commission, assisted by the representatives of the Member States.

2. The Commission is authorized to approve, on behalf of the Community, modifications to the Annexes to the Agreement adopted by the Joint Follow-up Group by the procedure laid down in Article 10 of the Agreement.

The Commission shall be assisted in this task by a special committee designated by the Council and charged with establishing a common position.

3. The authorization referred to in paragraph 2 shall be limited to those substances which are already covered by the relevant Community legislation on drugs precursors and chemical substances.

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

Article 4

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

Done at Brussels, 13 March 1997.

For the Council

The President

M. PATIJN

AGREEMENT

between the European Community and the United Mexican States on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community',

of the one part, and

THE UNITED MEXICAN STATES,

hereinafter referred to as 'Mexico',

of the other part,

hereinafter referred to as the 'Contracting Parties',

DETERMINED to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances by controlling the supply of precursors and chemical substances frequently used for such purposes;

ACKNOWLEDGING Article 12 of the United Nations Convention of 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

REAFFIRMING the necessity of strengthening international cooperation by the conclusion of bilateral agreements, in particular between regions and countries involved in export, import and transit of controlled substances;

CONVINCED that international trade constitutes a specific risk factor and that only cooperation arrangements between the regions concerned can prevent this danger, in particular by linking export and import controls of controlled substances;

AFFIRMING their common commitment to setting up assistance and cooperation mechanisms between Mexico and the Community in order to combat the diversion of controlled substances to illicit purposes, in harmony with the orientations and actions decided at international level;

HAVE DECIDED to conclude an Agreement on cooperation regarding the control of precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, and, to this end, have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

John F. COGAN,
Minister Plenipotentiary,
Deputy Permanent Representative of Ireland,

Alfred KOMAZ
Director in the Directorate-General of 'Customs and Indirect Taxation'
(DG XXI, Directorate A) of the Commission of the European Communities

THE UNITED MEXICAN STATES:

Manuel ARMENDARIZ ETCHEGARAY
Ambassador Extraordinary and Plenipotentiary,
Head of the Mexican Mission to the European Union,

WHO, having exchanged credentials of their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Agreement

1. This Agreement sets out measures to promote cooperation between the Contracting Parties to prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, without prejudice to the due recognition of the legitimate interests of trade and industry.

2. For this purpose, the Contracting Parties shall assist each other, as set out in this Agreement, notably in:

- (a) monitoring the trade between them in controlled substances, with the aim of preventing their diversion to illicit purposes, and
- (b) providing mutual administrative and legal assistance ensuring that the provisions of the relevant-substance trade-control legislation are correctly applied.

3. Without prejudice to possible amendments which might be adopted within the competence of the Joint Follow-up Group, this Agreement applies to the chemical substances listed in the Annex to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as amended, hereinafter referred to as 'controlled substances'.

Article 2

Trade monitoring

1. The Contracting Parties shall consult and inform each other on their own initiative of any suspicion that controlled substances may be diverted to the illicit manufacture of narcotic drugs or psychotropic substances, in particular when a shipment occurs in unusual quantities or under unusual circumstances.

2. With regard to the controlled substances listed in Annex A to this Agreement, the competent authority of the exporting Contracting Party shall, at the same time as the export authorization is issued and prior to the departure of the consignment, forward a copy of the export authorization to the competent authority of the importing Contracting Party. Specific information shall be provided where the operator benefits, in the exporting country, from an open individual authorization covering multiple export operations.

3. With regard to the controlled substances listed in Annex B to this Agreement, the export shall be authorized only when the importing Contracting Party has given its consent.

4. The Contracting Parties undertake to provide, reciprocally and in good time, due feedback on any information provided or measure requested under this Article.

5. When implementing the abovementioned trade-control measures, the legitimate interests of trade shall be duly respected. In particular, in cases covered by paragraph 3, the reply by the importing Contracting Party shall be provided within 20 working days after the reception of the message from the exporting Contracting Party. The absence of a reply within this delay shall be deemed as granting an import authorization. The refusal to grant an import authorization shall be notified in writing to the exporting Contracting Party within this delay and must be substantiated.

Article 3

Suspension of shipment

1. Without prejudice to any possible implementation of technical enforcement measures, shipments shall be suspended if, in the opinion of either Contracting Party, there are reasonable grounds to believe that controlled substances may be diverted to the illicit manufacture of

narcotic drugs or psychotropic substances, or where, in the cases described in Article 2 (3), the importing Contracting Party requests the suspension.

2. The Contracting Parties shall cooperate in supplying each other with any information relating to presumed diversion operations.

Article 4

Mutual administrative assistance

1. The Contracting Parties shall supply to each other, either on their own initiative or on request, any information to prevent the diversion of controlled substances to the illicit manufacture of narcotic drugs or psychotropic substances and shall investigate cases of suspected diversion. Where necessary they shall adopt appropriate precautionary measures to prevent diversion.

2. Any request for information or precautionary measures shall be complied with as promptly as possible.

3. Requests for administrative assistance shall be executed in accordance with the laws regulations and other legal instruments of the requested Contracting Party.

4. The Contracting Parties shall assist each other to facilitate the provision of evidence.

5. Administrative cooperation provided pursuant to this Article shall not prejudice the rules governing mutual legal assistance in criminal matters, nor shall it apply to information obtained under the powers exercised at the request of a judicial authority, unless the authority so agrees.

6. Information may be requested in respect of chemical substances which are frequently in the illicit manufacture of narcotic drugs or psychotropic substances but which are not included in the scope of this Agreement.

Article 5

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it and the corresponding provisions applying to the Community authorities.

2. Data relating to persons may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the applying Contracting Party liable to supply them.

3. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, such use shall be subject to any restrictions laid down by that authority.

4. Paragraph 3 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with substance control legislation. The competent authority which supplied that information shall be notified of such use.

Article 6

Exceptions to the obligation to provide assistance

1. The Contracting Parties shall make every reasonable effort routinely to provide requested information and assistance.

2. In cases where the requested Contracting Party is of the opinion that compliance with the request would:

- infringe on the sovereignty of the United Mexican States or of a Member State of the Community,
- present a serious issue of public policy, security or other essential interests, in particular the cases referred to in Article 5 (2) concerning natural persons, or
- be contrary to the legal system of the requested Contracting Party, including, where appropriate, the legal system of the Member States of the Community liable to provide the assistance,

assistance can be refused or compliance may be made subject to the satisfaction of certain conditions or requirements.

3. If one Contracting Party requests assistance which it could not supply itself entirely or partially on a similar request, it shall state this situation in its request. The other Contracting Party shall then decide in what form it can comply with the request.

4. If assistance is refused, the decision and its explanatory reasons shall be notified without delay to the other Contracting Party.

Article 7

Technical and scientific cooperation

1. The Contracting Parties shall cooperate in the identification of new diversion methods as well as appropriate countermeasures, including technical cooperation to strengthen administrative and enforcement structures in this field and promote cooperation with trade and industry. Such technical cooperation may concern, in

particular, training and exchange programmes for the officials concerned as well as the equipment necessary for the implementation of this Agreement.

2. Where new methods or techniques are developed which permit a rapid identification of controlled substances, the Contracting Party that becomes aware of such developments shall provide the other Contracting Party with all the relevant information so as to ensure the best possible application of this Agreement.

Article 8

Implementation measures

1. The Contracting parties shall endeavour to implement this Agreement by taking into account the necessity of a consistent approach of substance control legislation for the entire American continent.

2. Each Contracting Party shall appoint a competent authority or competent authorities to coordinate the application of this Agreement. These authorities shall communicate directly with one another for the purposes of this Agreement.

3. The Contracting Parties shall keep each other informed of the provisions which they adopt for the implementation of this Agreement.

Article 9

Joint Follow-up Group

1. A Joint Follow-up Group on the control of precursors and chemical substances is hereby established, hereinafter referred to as 'Joint Follow-up Group', in which each Contracting Party to this Agreement shall be represented.

2. Decisions and recommendations by the Joint Follow-up Group shall be taken by mutual agreement. It shall normally meet once a year, with the date, place and programme being fixed by mutual agreement.

Extraordinary meetings may be convened by agreement of the Contracting Parties.

3. Joint Follow-up Group shall adopt its own rules of procedure.

Article 10

Competences of the Joint Follow-up Group

1. The Joint-Follow-up Group shall administer this Agreement and ensure its proper implementation. For this purpose:

- it shall study and develop the necessary means to ensure the correct functioning of the present Agreement,

- it shall be regularly informed by the Contracting Parties of their experience in applying this Agreement,
- in the cases provided for in paragraph 2, it shall take decisions,
- in the cases provided for in paragraph 3, it shall make recommendations,
- it shall study and develop the technical assistance measures referred to in Article 7,
- it shall study and develop other possible forms of cooperation in matters relating to precursors and chemical substances.

2. The Joint Follow-up Group shall adopt by mutual consent decisions to amend Annexes A and B.

Such decisions shall be implemented by the Contracting Parties in accordance with their own legislation.

If, in the Joint Follow-up Group, a representative of a Contracting Party has accepted a decision subject to the completion of the internal procedures necessary for that purpose, the decision shall enter into force, if no date is contained therein, on the first day of the second month after such a completion is notified.

3. The Joint Follow-up Group shall recommend to the Contracting Parties:

- (a) amendments to this Agreement;
- (b) any other measure required for the application of this Agreement.

Article 11

Other Agreements

1. Without prejudice to the provisions of the Treaty establishing the European Community, the provisions of this Agreement shall replace, in matters covered by this Agreement, the provisions of bilateral agreements which have been concluded between individual or several Member States of the Community and the United Mexican States if they are incompatible with the former.

These bilateral agreements shall not prejudice Community provisions governing the communication between the competent administrative authorities within the Community of any information obtained in matters covered by this Agreement which could be of Community interest.

2. The Contracting Parties will also notify each other of any measures in substance control matters taken with other countries.

Article 12

Entry into force

This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have exchanged their respective instruments of ratification, acceptance or approval, according to the rules applicable for each Contracting Party.

Article 13

Duration and denunciation

1. This Agreement shall be concluded for five years and, unless otherwise disposed, it will be tacitly renewable for successive periods of the same duration.
2. This Agreement may be amended by mutual consent of the Contracting Parties.
3. Either Contracting Party may withdraw from this Agreement provided it gives 12 months' prior notice in writing to the other Contracting Party.

Article 14

Authentic texts

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

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

Udfærdiget i Bruxelles den trettende december nitten hundrede og seks og halvfems.

Geschehen zu Brüssel am dreizehnten Dezember neunzehnhundertsechszundneunzig.

Έγινε στις Βρυξέλλες, στις δέκα τρεις Δεκεμβρίου χίλια εννιακόσια ενενήντα έξι.

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

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

Fatto a Bruxelles, addì tredici dicembre millenovecentonovantasei.

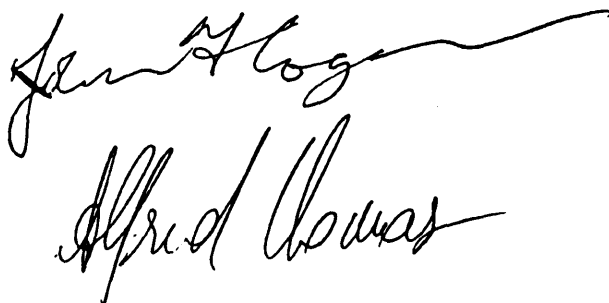
Gedaan te Brussel, de dertiende december negentienhonderd zesennegentig.

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

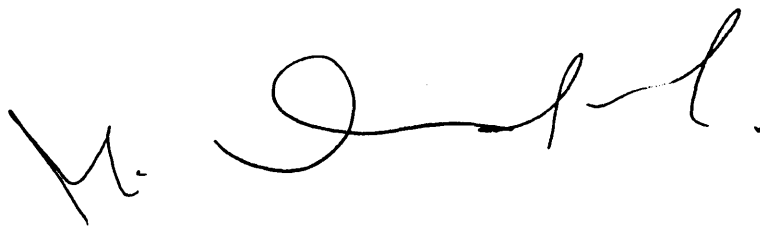
Tehty Brysselissä kolmantenatoista päivänä joulukuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Bryssel den trettonde december nittonhundranittiosex.

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

Two handwritten signatures in black ink. The top signature is 'Jean Hogen' and the bottom signature is 'Alfred Bouas'.

Por los Estados Unidos Mexicanos

A single handwritten signature in black ink, appearing to be 'M. J. L.'.

*ANNEX A***Substances subject to the measures referred to in Article 2 (2)**

Acetic anhydride
Acetone
Anthranilic acid
Ethyl ether
Phenylacetic acid
Piperidine

*ANNEX B***Substances subject to the measures referred to in Article 2 (3)**

1-Phenyl-2-propanone
3,4 Methylenedioxy-phenyl propan-2-one
Ephedrine
Ergometrine
Ergotamine
Isosafrole
Lysergic acid
Piperonal
Pseudoephedrine
Safrole

COMMISSION

COMMISSION DECISION

of 28 February 1997

approving the programme on viral haemorrhagic septicaemia submitted by the United Kingdom

(Only the English text is authentic)

(Text with EEA relevance)

(97/185/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EC⁽²⁾, and in particular Article 10 (2) thereof,

Whereas Member States can obtain for one or more regions the status of approved zone, free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS);

Whereas Commission Decision 92/538/EEC⁽³⁾ granted the status of approved zone for IHN and VHS to Great Britain;

Whereas following confirmation of a case of VHS on the island of Gigha, being a part of the territory of Great Britain, the status of approved zone for VHS for this island was withdrawn by Commission Decision 94/817/EC⁽⁴⁾;

Whereas the United Kingdom, by letter dated 1 October 1996 and in accordance with the procedure laid down in Article 10 of Directive 91/67/EEC, submitted a programme designed to re-establish the status of this island;

Whereas, after examination, this programme was found to comply with the provisions of Article 10 of Directive 91/67/EEC;

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 programme to control VHS on the island of Gigha, submitted by the United Kingdom, is hereby approved.

Article 2

The United Kingdom shall bring into force the necessary laws, regulations and administrative provisions to comply with the programme referred to in Article 1.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 28 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

⁽³⁾ OJ No L 347, 28. 11. 1992, p. 67.

⁽⁴⁾ OJ No L 337, 24. 12. 1994, p. 88.

COMMISSION DECISION

of 14 March 1997

authorizing the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of potatoes, other than potatoes intended for planting, originating in Cuba

(97/186/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 97/3/EC⁽²⁾, and in particular Article 14 (1) thereof,

Having regard to the request made by the Netherlands,

Whereas, under the provisions of Directive 77/93/EEC, potato tubers other than those officially certified as seed potatoes pursuant to other Community provisions, originating in Cuba may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas the early growing in Cuba of potatoes, other than potatoes intended for planting from seed potatoes supplied by Member States has become an established practice; whereas part of the early supply of potatoes in the Community has been ensured by imports of such material from Cuba;

Whereas by Decisions 87/306/EEC⁽³⁾, 88/223/EEC⁽⁴⁾, 89/152/EEC⁽⁵⁾, 91/593/EEC⁽⁶⁾, 93/36/EEC⁽⁷⁾, 95/96/EC⁽⁸⁾ and 96/157/EC⁽⁹⁾, the Commission authorized derogations under special technical conditions in respect of potatoes for human consumption originating in Cuba, in the 1987 to 1995 seasons;

Whereas there have never been confirmed findings of diseases and pests on samples drawn from imports pursuant to the said Decisions;

Whereas the circumstances justifying the authorization still obtain;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorized to provide, under the conditions laid down in paragraph 2, for exceptions to Article 4 (1) with regard to the prohibitions referred to in Part A, point 12 of Annex III to Directive 77/93/EEC, for potatoes other than potatoes intended for planting, originating in Cuba.
2. In addition to the requirements laid down in Annexes I, II and IV to Directive 77/93/EEC in relation to potatoes, the following specific conditions shall be satisfied:
 - (a) the potatoes shall be other than potatoes intended for planting;
 - (b) they shall either be immature potatoes, i.e. 'un-suberized' potatoes with loose skin, or they shall have been treated for the suppression of their faculty of germination;
 - (c) they shall have been grown in the province 'Pinar del Rio' in areas where *Pseudomonas solanacearum* (Smith) Smith is not known to occur;
 - (d) they shall belong to varieties the seed potatoes of which were imported into Cuba only from Member States or from any other country for which the entry into the Community of potatoes intended for planting is permitted pursuant to Directive 77/93/EEC;
 - (e) regular planned monitoring of imports into Cuba and of seed potatoes and ware potatoes marketed within Cuba is done by means of examination and testing of representative samples by scientifically recognized methods for *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al., *Pseudomonas solanacearum* (Smith) Smith and potato spindle tuber viroid;
 - (f) they shall have been grown in Cuba directly from seed potatoes certified in one of the Member States or, from seed potatoes certified in any other country for which the entry into the Community of potatoes intended for planting is permitted pursuant to Dir-

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 27, 30. 1. 1997, p. 30.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 41.

⁽⁴⁾ OJ No L 100, 19. 4. 1988, p. 44.

⁽⁵⁾ OJ No L 59, 2. 3. 1989, p. 29.

⁽⁶⁾ OJ No L 316, 16. 11. 1991, p. 47.

⁽⁷⁾ OJ No L 16, 25. 1. 1993, p. 40.

⁽⁸⁾ OJ No L 75, 4. 4. 1995, p. 22.

⁽⁹⁾ OJ No L 36, 14. 2. 1996, p. 38.

ective 77/93/EEC; or from the progeny of such seed potatoes, officially certified in the year before the previous one, if this progeny was produced in the province 'Pinar del Rio' and qualified as seed potatoes in accordance with the current rules applicable in Cuba;

- (g) they shall have been grown either on farms which have not grown potatoes of varieties other than those specified in (d) over the previous five years, or, in the case of State farms, on land sections which are kept separate from other land where potatoes of varieties other than those specified in (d) have been grown over the last five years;
- (h) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;
- (i) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored;
- (j) they shall be packed either in new bags or in containers which have been disinfected in an appropriate manner; and an official label shall be applied to each bag or container, bearing the information specified in the Annex;
- (k) prior to export, the potatoes shall have been cleaned free from soil, and free from leaves and other plant debris;
- (l) the potatoes intended for the Community shall be accompanied by a phytosanitary certificate issued in Cuba in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the harmful organism mentioned in (c).

The certificate shall state:

- under 'Additional Declaration'
 - the indication 'this consignment meets the conditions laid down in Decision 97/186/EC',
 - name of variety,
 - identification number or name of the farm where the potatoes have been grown and its location,
 - reference allowing the identification of seed lot used in accordance with (f),
- under the rubric 'Disinfestation and/or disinfection treatment', all information related to the possible treatments referred to in (b) second option and/or (j);
- (m) the potatoes shall be introduced through points of entry situated within the territory of a Member State making use of this derogation and designated for the purpose of this derogation by that Member State;

- (n) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State shall then convey the details of the notification to the Commission, indicating:

- the type of material,
- the quantity,
- the declared date of introduction and confirmation of the point of entry,
- the premises referred to in (p).

The importer shall be officially informed, prior to the introduction, of the conditions laid down in (a) to (q);

- (o) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies referred to in the said Directive. Without prejudice to the monitoring referred to in Article 19 (a) (3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19 (a) (3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19 (a) (5) (c) of that Directive;
- (p) the potatoes shall be packed and repacked only at premises which have been authorized and registered by the said responsible official bodies;
- (q) the potatoes shall be packed or repacked in closed packages that are ready for direct delivery to retailers or to final consumers, and that do not exceed a weight common in the Member State of introduction for the purpose, up to a maximum of 25 kilograms; the packaging shall bear the number of the registered premises referred to in (p), as well as the Cuban origin;
- (r) Member States making use of this derogation shall, where appropriate, in cooperation with the Member State of introduction ensure that at least two samples of 200 tubers shall be drawn from each consignment of 50 tonnes or part thereof, of imported potatoes pursuant to this Decision, for official examination in respect of *Pseudomonas solanacearum* in accordance with quarantine procedure No 26 for *Pseudomonas solanacearum* as established by the European and Mediterranean Plant Protection Organization (EPPO)⁽¹⁾ or by some other procedure approved in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC, and in the case of *Clavibacter michiganensis* ssp. *sepedonicus*, in accordance

⁽¹⁾ Bulletin OEPP/EPPO, 20, 255-262 (1990).

with the Community established method for the detection and diagnosis of *Clavibacter michiganensis* ssp. *sepedonicus*; in the case of suspicion the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* ssp. *sepedonicus* or *Pseudomonas solanacearum* was not suspected or detected in those examinations.

Article 2

Member States shall inform the other Member States and the Commission of any use made of the authorization. They shall provide the Commission and the other Member States, before 1 July 1997, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1 (2) (r); copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 3

1. The authorization granted in Article 1 shall apply in the period between 15 March 1997 and 30 April 1997.
2. The authorization shall be revoked if it is established that the conditions laid down in Article 1 (2) have been insufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Information required on the label

(referred to in Article 1 (2) (j))

1. Name of the authority issuing the label.
 2. Name of the exporters' organization, if available.
 3. Indication 'potatoes other than potatoes intended for planting of Cuban origin'.
 4. Variety.
 5. Province of production.
 6. Size.
 7. Declared net weight.
 8. Indication 'In accordance with EC requirements 1997'.
 9. A mark printed or stamped on behalf of the Cuban plant protection administration.
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