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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1445/97
of 24 July 1997**

setting the level of the Community quantitative limit on re-importation into the European Community of textile products of category 13 originating in the People's Republic of China after economic outward processing operations in that country and amending Council Regulation (EEC) No 3030/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Council Regulation (EC) No 824/97⁽²⁾, and in particular Article 3 (3) of Annex VII thereof,

Whereas Article 3 (3) of Annex VII to Regulation (EEC) No 3030/93 stipulates that quantitative limits already in force on re-imports after economic outward processing operations may be adjusted if necessary;

Whereas the quantitative limit in force applicable to the re-import into the European Community of textile products of category 13 originating in the People's Republic of China after economic outward processing operations in that country is not sufficient to meet the Community traders' import requirements up to the expiry of the present bilateral Agreement on trade in textile products; whereas certain Member States have requested that the level of this limit be adjusted in the Community interest;

Whereas the table appended to Annex VII to Regulation (EEC) No 3030/93 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community quantitative limits applicable in 1997 and 1998 to the re-import into the Community of textile products of category 13 originating in the People's Republic of China after economic outward processing operations in that country are hereby set at 815 000 pieces and 827 000 pieces respectively.

2. The table appended to Annex VII to Regulation (EEC) No 3030/93 is hereby amended accordingly.

Article 2

This Regulation shall enter into force on the 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, 24 July 1997.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1997, p. 1.

COMMISSION REGULATION (EC) No 1446/97

of 24 July 1997

on the sale at a price fixed in advance of unprocessed dried figs from the 1996 harvest to distilleries

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 markets in processed fruit and vegetables products⁽¹⁾, and in particular Article 9 (8) thereof,

Whereas Article 9 (7) of Regulation (EC) No 2201/96 lays down that the sale of products by storage agencies must be organized by invitation to tender or at a price fixed in advance and that tenders submitted may be taken into account only where a security is lodged;

Whereas the selling price should be fixed in such a way that disturbance of the Community market in alcohol and spirit drinks is avoided and so as to ensure equal treatment of operators;

Whereas the Greek storage agency is holding roughly 636 tonnes of unprocessed dried figs from the 1996 harvest; whereas the products should be offered to distilleries;

Whereas the amount of the processing security provided for in Article 2 (2) of Commission Regulation (EEC) No 1707/85 of 21 June 1985 on the sale of unprocessed dried figs by storage agencies for the manufacture of alcohol⁽²⁾ should be fixed taking into consideration the difference between the normal market price for dried figs and the selling price fixed by this Regulation;

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

1. The Greek storage agency shall undertake the sale unprocessed dried figs from the 1996 harvest to distilleries in accordance with the provisions of Commission Regulations (EEC) No 626/85⁽³⁾ and (EEC) No 1707/85 at a price fixed at ECU 4 per 100 kilograms net.
2. The processing security referred to in Article 2 (2) of Regulation (EEC) No 1707/85 is fixed at ECU 15 per 100 kilograms net.

Article 2

1. Purchase applications shall be submitted to the Greek storage agency Sykiki, at the head office of Idagep, Acharnon Street 241, Athens, Greece, for products held by that agency.
2. Information on the quantities and places where the products are stored may be obtained from the Greek storage agency Sykiki, Kritis Street 13, Kalamata, Greece.

Article 3

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

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 163, 22. 6. 1985, p. 38.

⁽³⁾ OJ No L 72, 13. 3. 1985, p. 7.

COMMISSION REGULATION (EC) No 1447/97
of 24 July 1997

fixing for the 1997/98 marketing year the buying-in price to be paid by storage agencies for unprocessed dried grapes

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 markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 9 (8) thereof,

Whereas the criteria for fixing the prices at which storage agencies buy dried grapes are laid down in Article 9 (2) (b) of Regulation (EC) No 2201/96; whereas the buying-in price for unprocessed dried grapes should be set for the 1997/98 marketing year at the same level as for the 1994/95 marketing year reduced by ECU 1,261/100 kg to take account of the corresponding reduction in the minimum import price;

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

For the 1997/98 marketing year, the buying-in price referred to in Article 9 (2) of Regulation (EC) No 2201/96 for unprocessed dried grapes shall be ECU 46,91 per 100 kg net.

Article 2

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

It shall apply from 1 September 1997.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

COMMISSION REGULATION (EC) No 1448/97

of 24 July 1997

amending Regulation (EEC) No 377/93 laying down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 and held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 536/97⁽²⁾, and in particular Articles 37 (2) and 40 (5) thereof,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies⁽³⁾, and in particular Articles 2 and 3 thereof,

Whereas alcohol losses may occur during land and sea transport operations and processing operations prior to final use; whereas account should be taken of the relevant technical standards to evaluate changes in volume of alcohol recorded on loading and unloading of alcohol and a specific tolerance limit should be set for each category of loss;

Whereas an overall tolerance limit should be set for losses of alcohol due to multiple land and sea transport operations in connection with an individual invitation to tender for the export of alcohol processed in one of the third countries listed in Annex II to Commission Regulation (EEC) No 377/93⁽⁴⁾, as last amended by Regulation (EC) No 3152/94⁽⁵⁾; whereas a higher tolerance limit should also be set for alcohol losses due to processing operations in such third countries by comparison with similar operations in the Community to take account of operational, climatic and other conditions and the fact that some equipment is less efficient in those third countries;

Whereas penalties should be applied for losses exceeding the tolerance limits established by withholding a standard amount of the performance guarantee covering the cost price of the alcohol delivered to the intervention agency

under the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87; whereas part of the performance guarantee should be released only after the successful tenderer has produced evidence concerning all the losses relating to the tender in question so that the amount of security available is sufficient to penalize such illegal losses of alcohol;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 377/93 is hereby amended as follows:

1. Article 34 (2) is replaced by the following:

- '2. (a) The alcohol awarded must be used entirely for the purposes specified in the invitation to tender in question without prejudice to any losses of alcohol occurring as a result of the transport or processing operations required for the final use of the alcohol.

Each individual loss of alcohol shall be accepted only if it has been checked at the final destination and, in the case of alcohol for export, at the place where it left the customs territory of the Community, and certified by the competent inspection authority and/or by the international surveillance firm where such a firm has been appointed under Article 38, in so far as such losses are within the limits specified in point (b).

- (b) For alcohol awarded under a partial, individual or special invitation to tender, where alcohol losses during the operations referred to below exceed the following limits, an amount of ECU 96 per hectolitre of the performance guarantee shall be withheld except in the case of *force majeure*:

— 0,4 % of the quantities of alcohol removed from storage in the case of an alcohol loss due to one or more land transport operations,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 34.

- 1 % of the quantities of alcohol removed from storage in the case of alcohol losses due to one or more land transport operations combined with one or more sea or inland waterway transport operations,
- 2 % of the quantities of alcohol removed from storage in the case of alcohol losses due to land and sea transport required in connection with an individual invitation to tender for export of alcohol to one of the third countries listed in Annex II,
- 0,9 % of the quantities of alcohol subjected to rectification in the case of an alcohol loss due to rectification in the Community,
- 0,9 % of the quantities of alcohol subjected to dehydration in the case of an alcohol loss due to dehydration in the Community,
- 1,2 % of the quantities of alcohol subjected to rectification in the case of an alcohol loss due to rectification in one of the third countries listed in Annex II,
- 1,2 % of the quantities of alcohol subjected to dehydration in the case of an alcohol loss due to dehydration in one of the third countries listed in Annex II.

The fourth and/or fifth percentage may be added to the first two percentages.

The sixth and/or seventh percentage may be added to the third percentage.

For the purposes of applying the abovementioned percentages, the quantities of alcohol shall be determined on the basis of tonnage certificates or similar documents issued by the competent inspection authorities.

- (c) For alcohol awarded under a partial invitation to tender and having to be rectified prior to the final use specified, the alcohol removed shall be deemed to have been used entirely for the specified purposes where at least 90 % of the total quantities of alcohol removed under a partial invitation to tender is used for those purposes; the successful tenderer shall inform the Commission of the quantity, destination and use of the products derived from rectification. However, losses may not exceed the limits specified in point (b).'

2. Article 34 (3) (b) is replaced by the following:

- '(b) The performance guarantee shall be released immediately by each of the intervention agencies

holding alcohol once the successful tenderer provides each of those intervention agencies, for the relevant quantity removed, with the proof required in points 2 and 3 and in Title V of Regulation (EEC) No 2220/95.'

3. The following point (3) (c) is added to Article 34:

- '(c) By way of derogation from Article 27 of Regulation (EEC) No 2220/85 an amount equal to 10 % of the performance guarantee shall not be released until the successful tenderer provides each intervention agency concerned, for the relevant quantity removed, with proof of the use of the alcohol, indicating any losses of alcohol in connection with the tendering procedure in question. If such proof is not produced within 12 months from the time limit specified for the final use of the alcohol, an amount of ECU 96 per hectolitre shall be withheld on the quantities of alcohol lost over and above the limits specified in point 2.'

4. The Annex to Regulation (EEC) No 377/93 is renumbered I and the following new Annex II is inserted:

ANNEX II

- Costa Rica
- Guatemala
- Honduras, including the Swan Islands
- El Salvador
- Nicaragua
- Saint Kitts and Nevis
- Bahamas
- Dominican Republic
- Antigua and Barbuda
- Dominica
- British Virgin Islands and Montserrat
- Jamaica
- Saint Lucia
- Saint Vincent, including the North Grenadines
- Barbados
- Trinidad and Tobago
- Belize
- Grenada, including the South Grenadines
- Aruba
- Netherlands Antilles (Curaçao, Bonaire, Saint Eustatius, Saba and the southern part of Saint Martin)
- Guyana
- United States Virgin Islands
- Haiti'

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 apply to invitations to tender for which the notices referred to in Articles 4 (2), 13 (1) and 21 of Regulation (EEC) No 377/93 have been published since its entry into force. However, at the request of successful tenderers, it may be applied to current invitations to tender for which the performance guarantees have not yet been released.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1449/97**of 24 July 1997****temporarily suspending the issue of export licences for certain milk products**

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⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products

for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended;

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

The issue of export licences for milk products falling within CN code 0406 is hereby suspended for the period 25 July to 31 July 1997.

Article 2

This Regulation shall enter into force on 25 July 1997.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

COMMISSION REGULATION (EC) No 1450/97

of 24 July 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 25 July 1997.

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

Done at Brussels, 24 July 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 24 July 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
0709 90 77	052	51,3
	999	51,3
0805 30 30	366	58,4
	388	64,9
	524	74,1
	528	64,2
	999	65,4
0806 10 40	052	158,4
	412	165,2
	512	117,5
	600	239,1
	624	149,9
	999	166,0
	0808 10 71, 0808 10 73, 0808 10 79	388
	400	77,3
	508	92,0
	512	54,9
	524	72,0
	528	62,9
	800	154,7
	804	81,7
	999	85,3
0808 20 51	388	58,3
	512	61,6
	528	85,6
	804	84,8
	999	72,6
0809 10 40	052	209,7
	064	110,6
	999	160,1
0809 20 59	052	222,6
	064	184,0
	400	220,3
	616	180,9
	999	202,0
0809 40 30	064	96,9
	999	96,9

⁽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 1451/97
of 24 July 1997

on the issue of system B export licences in the fruit and vegetables sector

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 610/97 ⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Commission Regulation (EC) No 1120/97 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, the indicative quantities laid down for the current export period for apples for destination groups X and Y and peaches, including nectarines, have already been exceeded or there is a risk that these quantities will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for apples for destination groups X and Y and peaches, including nectarines, exported after 24 July 1997 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B licences for apples for destination groups X and Y and peaches, including nectarines, submitted pursuant to Article 1 of Regulation (EC) No 1120/97, export declarations for which are accepted after 24 July 1997 and before 17 September 1997, are hereby rejected.

Article 2

This Regulation shall enter into force on 25 July 1997.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ No L 163, 20. 6. 1997, p. 12.

COMMISSION REGULATION (EC) No 1452/97
of 24 July 1997
fixing the export refunds on milk and milk products

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 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in

particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 25 July 1997.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 24 July 1997 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 99 9600	+	131,29
	...	—	0402 21 99 9700	+	137,24
0401 10 90 9000	970	2,327	0402 21 99 9900	+	143,96
	...	—	0402 29 15 9200	+	0,6300
0401 20 11 9100	+	—	0402 29 15 9300	+	0,9530
0401 20 11 9500	970	3,597	0402 29 15 9500	+	1,0040
	...	—	0402 29 15 9900	+	1,0802
0401 20 19 9100	+	—	0402 29 19 9200	+	0,6300
0401 20 19 9500	970	3,597	0402 29 19 9300	+	0,9530
	...	—	0402 29 19 9500	+	1,0040
0401 20 91 9100	+	4,790	0402 29 19 9900	+	1,0802
0401 20 91 9500	+	5,581	0402 29 91 9100	+	1,0878
0401 20 99 9100	+	4,790	0402 29 91 9500	+	1,1851
0401 20 99 9500	+	5,581	0402 29 99 9100	+	1,0878
0401 30 11 9100	+	7,161	0402 29 99 9500	+	1,1851
0401 30 11 9400	+	11,05	0402 91 11 9110	+	—
0401 30 11 9700	+	16,60	0402 91 11 9120	+	4,790
0401 30 19 9100	+	7,161	0402 91 11 9310	+	14,00
0401 30 19 9400	+	11,05	0402 91 11 9350	+	17,15
0401 30 19 9700	+	16,60	0402 91 11 9370	+	20,85
0401 30 31 9100	+	40,34	0402 91 19 9110	+	—
0401 30 31 9400	+	63,00	0402 91 19 9120	+	4,790
0401 30 31 9700	+	69,47	0402 91 19 9310	+	14,00
0401 30 39 9100	+	40,34	0402 91 19 9350	+	17,15
0401 30 39 9400	+	63,00	0402 91 19 9370	+	20,85
0401 30 39 9700	+	69,47	0402 91 31 9100	+	9,464
0401 30 91 9100	+	79,18	0402 91 31 9300	+	24,65
0401 30 91 9400	+	116,37	0402 91 39 9100	+	9,464
0401 30 91 9700	+	135,80	0402 91 39 9300	+	24,65
0401 30 99 9100	+	79,18	0402 91 51 9000	+	11,05
0401 30 99 9400	+	116,37	0402 91 59 9000	+	11,05
0401 30 99 9700	+	135,80	0402 91 91 9000	+	79,18
0402 10 11 9000	+	63,00	0402 91 99 9000	+	79,18
0402 10 19 9000	+	63,00	0402 99 11 9110	+	—
0402 10 91 9000	+	0,6300	0402 99 11 9130	+	0,0480
0402 10 99 9000	+	0,6300	0402 99 11 9150	+	0,1336
0402 21 11 9200	+	63,00	0402 99 11 9310	+	16,14
0402 21 11 9300	+	95,30	0402 99 11 9330	+	19,37
0402 21 11 9500	+	100,40	0402 99 11 9350	+	25,75
0402 21 11 9900	+	108,00	0402 99 19 9110	+	—
0402 21 17 9000	+	63,00	0402 99 19 9130	+	0,0480
0402 21 19 9300	+	95,30	0402 99 19 9150	+	0,1336
0402 21 19 9500	+	100,40	0402 99 19 9310	+	16,14
0402 21 19 9900	+	108,00	0402 99 19 9330	+	19,37
0402 21 91 9100	+	108,78	0402 99 19 9350	+	25,75
0402 21 91 9200	+	109,53	0402 99 31 9110	+	0,1026
0402 21 91 9300	+	110,88	0402 99 31 9150	+	26,81
0402 21 91 9400	+	118,51	0402 99 31 9300	+	0,4034
0402 21 91 9500	+	121,15	0402 99 31 9500	+	0,6947
0402 21 91 9600	+	131,29	0402 99 39 9110	+	0,1026
0402 21 91 9700	+	137,24	0402 99 39 9150	+	26,81
0402 21 91 9900	+	143,96	0402 99 39 9300	+	0,4034
0402 21 99 9100	+	108,78			
0402 21 99 9200	+	109,53			
0402 21 99 9300	+	110,88			
0402 21 99 9400	+	118,51			
0402 21 99 9500	+	121,15			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6947	0404 90 29 9160	+	136,02
0402 99 91 9000	+	0,7918	0404 90 29 9180	+	142,66
0402 99 99 9000	+	0,7918	0404 90 81 9100	+	0,6194
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	16,00
0403 10 13 9800	+	4,790	0404 90 83 9110	+	0,6194
0403 10 19 9800	+	7,161	0404 90 83 9130	+	0,9445
0403 10 31 9400	+	—	0404 90 83 9150	+	0,9950
0403 10 31 9800	+	—	0404 90 83 9170	+	1,0703
0403 10 33 9800	+	0,0480	0404 90 83 9911	+	—
0403 10 39 9800	+	0,0716	0404 90 83 9913	+	0,0480
0403 90 11 9000	+	61,94	0404 90 83 9915	+	0,0716
0403 90 13 9200	+	61,94	0404 90 83 9917	+	0,1105
0403 90 13 9300	+	94,45	0404 90 83 9919	+	0,1660
0403 90 13 9500	+	99,50	0404 90 83 9931	+	16,00
0403 90 13 9900	+	107,03	0404 90 83 9933	+	19,20
0403 90 19 9000	+	107,83	0404 90 83 9935	+	25,52
0403 90 31 9000	+	0,6194	0404 90 83 9937	+	26,55
0403 90 33 9200	+	0,6194	0404 90 89 9130	+	1,0783
0403 90 33 9300	+	0,9445	0404 90 89 9150	+	1,1746
0403 90 33 9500	+	0,9950	0404 90 89 9930	+	0,4843
0403 90 33 9900	+	1,0703	0404 90 89 9950	+	0,6947
0403 90 39 9000	+	1,0783	0404 90 89 9990	+	0,7918
0403 90 51 9100	970	2,327	0405 10 11 9500	+	185,37
	...	—	0405 10 11 9700	+	190,00
0403 90 51 9300	+	—	0405 10 19 9500	+	185,37
0403 90 53 9000	+	4,790	0405 10 19 9700	+	190,00
0403 90 59 9110	+	7,161	0405 10 30 9100	+	185,37
0403 90 59 9140	+	11,05	0405 10 30 9300	+	190,00
0403 90 59 9170	+	16,60	0405 10 30 9500	+	185,37
0403 90 59 9310	+	40,34	0405 10 30 9700	+	190,00
0403 90 59 9340	+	63,00	0405 10 50 9100	+	185,37
0403 90 59 9370	+	69,47	0405 10 50 9300	+	190,00
0403 90 59 9510	+	79,18	0405 10 50 9500	+	185,37
0403 90 59 9540	+	116,37	0405 10 50 9700	+	190,00
0403 90 59 9570	+	135,80	0405 10 90 9000	+	196,95
0403 90 61 9100	+	—	0405 20 90 9500	+	173,78
0403 90 61 9300	+	—	0405 20 90 9700	+	180,73
0403 90 63 9000	+	0,0480	0405 90 10 9000	+	240,00
0403 90 69 9000	+	0,0716	0405 90 90 9000	+	190,00
0404 90 21 9100	+	61,94	0406 10 20 9100	+	—
0404 90 21 9910	+	—	0406 10 20 9230	037	—
0404 90 21 9950	+	13,87		039	—
0404 90 23 9120	+	61,94		099	24,03
0404 90 23 9130	+	94,45		400	24,72
0404 90 23 9140	+	99,50		...	36,05
0404 90 23 9150	+	107,03		037	—
0404 90 23 9911	+	—	0406 10 20 9290	037	—
0404 90 23 9913	+	4,790		039	—
0404 90 23 9915	+	7,161		099	22,36
0404 90 23 9917	+	11,05		400	16,09
0404 90 23 9919	+	16,60		...	33,54
0404 90 23 9931	+	13,87		037	—
0404 90 23 9933	+	17,00		039	—
0404 90 23 9935	+	20,66		099	22,36
0404 90 23 9937	+	24,43		400	16,09
0404 90 23 9939	+	25,54		...	33,54
0404 90 29 9110	+	107,83		037	—
0404 90 29 9115	+	108,54	0406 10 20 9300	037	—
0404 90 29 9120	+	109,89		039	—
0404 90 29 9130	+	117,46		099	9,820
0404 90 29 9135	+	120,05		400	8,246
0404 90 29 9150	+	130,11		...	14,73

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	32,61		039	—
	400	35,03		099	12,55
	...	48,91		400	8,785
0406 10 20 9620	037	—		...	18,82
	039	—	0406 30 31 9730	037	—
	099	33,07		039	—
	400	38,41		099	18,41
	...	49,60		400	12,89
0406 10 20 9630	037	—		...	27,62
	039	—	0406 30 31 9910	037	—
	099	36,91		039	—
	400	43,37		099	12,55
	...	55,37		400	8,785
0406 10 20 9640	037	—		...	18,82
	039	—	0406 30 31 9930	037	—
	099	54,25		039	—
	400	50,89		099	18,41
	...	81,37		400	12,89
0406 10 20 9650	037	—		...	27,62
	039	—	0406 30 31 9950	037	—
	099	45,21		039	—
	400	26,78		099	26,79
	...	67,81		400	18,75
0406 10 20 9660	+	—		...	40,18
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	14,08		400	12,89
	...	25,15		...	27,62
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	17,07		400	18,75
	...	30,49		...	40,18
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	26,79
0406 20 90 9913	037	—		400	18,75
	039	—		...	40,18
	099	37,49	0406 30 39 9950	037	—
	400	33,25		039	—
	...	56,24		099	26,79
0406 20 90 9915	037	—		400	18,75
	039	—		...	40,18
	099	49,48		037	—
	400	44,34		039	—
	...	74,22		099	31,78
0406 20 90 9917	037	—	0406 30 90 9000	400	22,25
	039	—		...	47,66
	099	52,57		037	—
	400	47,10		039	—
	...	78,86		099	57,42
0406 20 90 9919	037	—	0406 40 50 9000	400	34,72
	039	—		...	86,13
	099	58,76			
	400	52,65			
	...	88,14			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9151	037	—
	039	—		039	—
	099	58,96		099	38,10
	400	34,72		400	22,64
	...	88,44		...	57,15
0406 90 13 9000	037	—	0406 90 33 9919	037	—
	039	—		039	—
	099	63,33		099	36,17
	400	68,40		400	21,40
	...	94,99		...	54,25
0406 90 15 9100	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	65,44		099	38,10
	400	72,00		400	21,06
	...	98,16		...	57,15
0406 90 17 9100	037	—	0406 90 35 9190	037	30,47
	039	—		039	30,47
	099	65,44		099	64,63
	400	68,40		400	79,25
	...	98,16		...	96,94
0406 90 21 9900	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	64,87		099	57,56
	400	46,87		400	42,31
	...	97,30		...	86,34
0406 90 23 9900	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	48,04		099	63,33
	400	19,55		400	72,00
	...	72,06		...	94,99
0406 90 25 9900	037	—	0406 90 61 9000	037	42,75
	039	—		039	42,75
	099	48,65		099	69,28
	400	22,27		400	60,28
	...	72,97		...	103,92
0406 90 27 9900	037	—	0406 90 63 9100	037	39,07
	039	—		039	39,07
	099	44,05		099	67,25
	400	19,55		400	70,62
	...	66,08		...	100,88
0406 90 31 9119	037	—	0406 90 63 9900	037	31,07
	039	—		039	31,07
	099	36,17		099	51,51
	400	24,22		400	54,09
	...	54,25		...	77,27
0406 90 31 9151	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	38,10	039	—	
	400	22,64	099	51,51	
	...	57,15	400	54,09	
0406 90 33 9119	037	—	...	77,27	
	039	—	0406 90 73 9900	037	—
	099	36,17		039	—
	400	24,22		099	48,53
	...	54,25		400	51,72
		...		72,79	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 75 9900	037	—	0406 90 85 9995	037	—
	039	—		039	—
	099	54,70		099	54,70
	400	23,44		400	22,27
	...	82,05		...	82,05
0406 90 76 9100	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	099	38,73	0406 90 86 9200	037	—
	400	19,09	039	—	
	...	58,10	099	39,13	
0406 90 76 9300	037	—	400	29,10	
	039	—	...	58,69	
	099	45,89	0406 90 86 9300	037	—
	400	21,18	039	—	
	...	68,84	099	40,50	
0406 90 76 9500	037	—	400	31,89	
	039	—	...	60,75	
	099	50,79	0406 90 86 9400	037	—
	400	24,44	039	—	
	...	76,19	099	45,50	
0406 90 78 9100	037	—	400	36,08	
	039	—	...	68,25	
	099	43,06	0406 90 86 9900	037	—
	400	19,09	039	—	
	...	64,59	099	57,63	
0406 90 78 9300	037	—	400	42,36	
	039	—	...	86,45	
	099	52,73	0406 90 87 9100	+	—
	400	21,18	0406 90 87 9200	037	—
	...	79,09	039	—	
0406 90 78 9500	037	—	099	32,61	
	039	—	400	26,91	
	099	52,73	...	48,91	
	400	24,44	0406 90 87 9300	037	—
	...	79,09	039	—	
0406 90 79 9900	037	—	099	37,20	
	039	—	400	29,49	
	099	39,88	...	55,80	
	400	20,24	0406 90 87 9400	037	—
	...	59,82	039	—	
0406 90 81 9900	037	—	099	40,35	
	039	—	400	33,38	
	099	47,73	...	60,53	
	400	42,31	0406 90 87 9951	037	—
	...	71,59	039	—	
0406 90 85 9910	037	30,47	099	55,52	
	039	30,47	400	69,82	
	099	62,39	...	83,29	
	400	79,25	0406 90 87 9971	037	—
	...	93,58	039	—	
0406 90 85 9991	037	—	099	55,36	
	039	—	400	36,22	
	099	57,56	...	83,04	
	400	42,31			
	...	86,34			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9972	099	21,09	2309 10 19 9100	+	—
	400	14,39	2309 10 19 9200	+	—
	...	31,64	2309 10 19 9300	+	—
0406 90 87 9973	037	—	2309 10 19 9400	+	—
	039	—	2309 10 19 9500	+	—
	099	49,56	2309 10 19 9600	+	—
	400	25,35	2309 10 19 9700	+	—
	...	74,34	2309 10 19 9800	+	—
0406 90 87 9974	037	—	2309 10 70 9010	+	—
	039	—	2309 10 70 9100	+	14,58
	099	55,36	2309 10 70 9200	+	19,44
	400	25,35	2309 10 70 9300	+	24,30
	...	83,04	2309 10 70 9500	+	29,16
0406 90 87 9979	037	—	2309 10 70 9600	+	34,02
	039	—	2309 10 70 9700	+	38,88
	099	48,04	2309 10 70 9800	+	42,77
	400	25,35	2309 90 35 9010	+	—
	...	72,06	2309 90 35 9100	+	—
0406 90 88 9100	+	—	2309 90 35 9200	+	—
0406 90 88 9105	037	—	2309 90 35 9300	+	—
	039	—	2309 90 35 9400	+	—
	099	55,22	2309 90 35 9500	+	—
	400	31,89	2309 90 35 9700	+	—
	...	82,83	2309 90 39 9010	+	—
0406 90 88 9300	037	—	2309 90 39 9100	+	—
	039	—	2309 90 39 9200	+	—
	099	33,52	2309 90 39 9300	+	—
	400	31,89	2309 90 39 9400	+	—
	...	50,28	2309 90 39 9500	+	—
2309 10 15 9010	+	—	2309 90 39 9600	+	—
2309 10 15 9100	+	—	2309 90 39 9700	+	—
2309 10 15 9200	+	—	2309 90 39 9800	+	—
2309 10 15 9300	+	—	2309 90 70 9010	+	—
2309 10 15 9400	+	—	2309 90 70 9100	+	14,58
2309 10 15 9500	+	—	2309 90 70 9200	+	19,44
2309 10 15 9700	+	—	2309 90 70 9300	+	24,30
2309 10 19 9010	+	—	2309 90 70 9500	+	29,16
			2309 90 70 9600	+	34,02
			2309 90 70 9700	+	38,88
			2309 90 70 9800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 895/97 (OJ No L 128, 21. 5. 1997, p. 1).

However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Article 34 (1) (c) of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EC) No 1453/97
of 24 July 1997
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 1410/97 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 1997.

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

Done at Brussels, 24 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ No L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ No L 194, 23. 7. 1997, p. 24.

ANNEX

to the Commission Regulation of 24 July 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,80	3,55
1701 11 90 ⁽¹⁾	25,80	8,63
1701 12 10 ⁽¹⁾	25,80	3,41
1701 12 90 ⁽¹⁾	25,80	8,20
1701 91 00 ⁽²⁾	29,51	10,48
1701 99 10 ⁽²⁾	29,51	5,96
1701 99 90 ⁽²⁾	29,51	5,96
1702 90 99 ⁽³⁾	0,30	0,35

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 June 1997

allocating import quotas for the fully halogenated chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and methyl bromide for the period 1 January to 31 December 1997, and in addition, allocating placing on the market quotas for hydrochlorofluorocarbons for the period 1 January to 31 December 1997

(Only the Dutch, English, French, German, Greek, Italian and Portuguese texts are authentic)

(Text with EEA relevance)

(97/461/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(EC) No 3093/94; whereas these limits may be modified pursuant to Article 7 (3);

Having regard to the Treaty establishing the European Community,

Whereas any modification of these quantitative limits may not lead to Community consumption of controlled substances exceeding the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer;

Having regard to Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer⁽¹⁾, and in particular to Articles 4 (8) and 7 (2) thereof,

Whereas Article 7 (1) of Regulation (EC) No 3093/94 states that without prejudice to Article 4 (8) and unless the substances are intended for destruction by a technology approved by the Parties, for feedstock use in the manufacture of other chemicals or for quarantine and pre-shipment, the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits;

Whereas Article 4 (8) of Regulation (EC) No 3093/94 defines the total calculated level of hydrochlorofluorocarbons (HCFCs) which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 1995 and in each 12-month period thereafter; whereas this corresponds to a quantity of 8 079 ODP tonnes;

Whereas the quantitative limits for the release into free circulation in the Community of controlled substances are set out in Annex II and Article 4 (8) of Regulation

Whereas the Commission is required, under Article 4 (8), in accordance with the procedure laid down in Article 16, to assign a quota to each producer or importer when the total quantity of HCFCs which producers and importers place on the market or use for their own account reaches 80 % of the quantitative limit established or at the latest on 1 January 2000, whichever comes first;

⁽¹⁾ OJ No L 333, 22. 12. 1994, p. 1.

Whereas the 80 % threshold has been reached in the year 1996; whereas it is likely that this will also be the case in 1997 making it necessary to assign placing on the market quotas for HCFCs for 1997;

Whereas the Commission is required under Article 7 (2) of Regulation (EC) No 3093/94 to allocate quotas for controlled substances to undertakings each year in accordance with the procedure set out in Article 16;

Whereas the Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer⁽¹⁾ and has thereby received applications for import quotas;

Whereas the applications for import quotas of the chlorofluorocarbons 11, 12, 113, 114 and 115 and halons exceed the import quotas available under Article 7 (2); therefore the Commission cannot satisfy the applications;

Whereas some of the applications from the producers of ODS in the Community have been made for specific contingency purposes of possible breakdown of production, technical failure and non-availability of the substances in the Community; whereas requests by a producer to import under a contingency quota can only be considered following interruption to normal supply and non-availability of the substances within the Community;

Whereas the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality; whereas, in establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of substances which damage the ozone layer while interfering in the market as little as possible;

Whereas it is appropriate to retain part of the total HCFC placing on the market quota for allocation to importers in the Community who are not engaged in the production of HCFCs; whereas, in 1996, the level of imports by non-producers reached about 3 % of the total quota available; whereas it is therefore appropriate in 1997 to retain 5 % of the total quota for allocation to importers who are not engaged in the production of HCFCs; whereas this corresponds to a quantity of 404 ODP tonnes;

Whereas the HCFC placing on the market quota for each producer in the Community in 1997 shall reflect the market share which that producer reached in 1996, calculated in ODP tonnes; whereas it is appropriate to take 1996 as a base-year in order to reflect most closely recent market activity by each producer; whereas it is considered

appropriate to allocate the total available HCFC quantity of 7 675 ODP tonnes between producers without leaving a reserve;

Whereas for methyl bromide the import quotas are allocated to the primary importers, considered by the Commission to be the importers who deal directly by way of invoicing with the producers outside the Community; whereas a reserve of 192 ODP tonnes of methyl bromide is retained for allocation during 1997 in accordance with the Article 16 procedure;

Whereas import licences shall be issued by the Commission in accordance with Article 6 of the aforesaid Regulation, after verification of compliance by the importer with Articles 7, 8 and 12;

Whereas the release for free circulation in the Community of chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons imported from any State not party is prohibited in accordance with Article 8 of Regulation (EC) No 3093/94;

Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established by Article 16 of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of chlorofluorocarbons 11, 12, 113, 114 and 115 subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 0 ODP weighted tonnes.
2. The quantity of other fully halogenated chlorofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 0 ODP weighted tonnes.
3. The quantity of halons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 0 ODP weighted tonnes.
4. The quantity of carbon tetrachloride subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 2 197,2 ODP weighted tonnes of virgin material for use as feed-stock.

⁽¹⁾ OJ No C 236, 14. 8. 1996, p. 3.

5. The quantity of 1,1,1-trichloroethane subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 2,64 ODP-weighted tonnes of virgin material to be used as feedstock or for destruction.

6. The quantity of methyl bromide subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 shall be 7 827 ODP weighted tonnes of virgin material for uses other than feedstock and quarantine and preshipment.

7. The quantity of hydrobromofluorocarbons subject to Regulation (EC) No 3093/94 which may be released for free circulation in the European Community in 1997 from sources outside the Community shall be 0 ODP weighted tonnes.

Article 2

1. The quantity of virgin carbon tetrachloride which may be imported by producers of ozone depleting substances in the European Community in 1997 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 4 400 ODP weighted tonnes.

2. Any quantity of virgin carbon tetrachloride imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 1 of this Article shall be accounted for as production of carbon tetrachloride.

3. The quantity of virgin 1,1,1-trichloroethane which may be imported by producers of ozone depleting substances in the European Community in 1997 for their own use as contingency against a possible breakdown of production or technical failure and where the substance is not available in the Community shall be 200 ODP weighted tonnes.

4. Any quantity of virgin 1,1,1-trichloroethane which is imported by producers of ozone depleting substances from sources outside the Community for the purposes defined in paragraph 3 of this Article shall be accounted for as the production of 1, 1, 1-trichloroethane.

Article 3

1. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers and im-

porters may place on the market or use for their own account within the Community in 1997 shall be 8 079 ODP tonnes.

2. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 which producers may place on the market or use for their own account within the Community in 1997 shall be 7 675 ODP tonnes.

3. The quantity of hydrochlorofluorocarbons subject to Regulation (EC) No 3093/94 to be allocated by the Commission to importers within the Community who are not engaged in the production of HCFCs shall be 404 ODP tonnes.

Article 4

1. The allocation of import quotas for carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1997 shall be for the purposes indicated and to the companies indicated in Annex Ia hereto.

2. The allocation of quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1997 shall be to the undertakings indicated in Annex Ib hereto.

3. The import quotas for carbon tetrachloride, 1,1,1-trichloroethane and methyl bromide during the period 1 January to 31 December 1997 shall be as set out in Annex II⁽¹⁾ hereto.

4. The quotas for the placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1997 shall be as set out in Annex III⁽¹⁾.

Article 5

This Decision is addressed to the undertakings listed in Annex IV hereto.

Done at Brussels, 27 June 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ Annexes II and III are not published because they contain confidential commercial information.

ANNEX Ia

GROUP IV

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock

Company

CING (GR)

Harlow (UK)

Knoll (UK)

Import quotas for virgin carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock for contingency purposes

Company

ICI (UK)

Rhône Poulenc (UK)

GROUP V

Import quotas for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock and for destruction

Company

Interchim (A)

Metron (D)

Metron (F)

Metron (I)

Metron (UK)

Olin Hunt (B)

Import quota for virgin 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as feedstock for contingency purposes

Company

Elf Atochem (F)

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 3093/94 for the use as soil fumigation and other uses subject to quotas

Company

Albermarle (B)

Alfa Supplies (GR)

Biochem Ibérica (P)

Bromine (UK)

Eurobrom (NL)

Great Lakes (UK)

Mebrom (B)

Neoquímica (P)

Saptec Agro (P)

ANNEX Ib

Quotas for placing on the market or use for their own account of hydrochlorofluorocarbons by producers in the Community during the period 1 January to 31 December 1997 shall be assigned to the undertakings indicated below

Company

AlliedSignal (NL)

Ausimont (I)

DuPont (NL)

Elf Atochem (E, F)

ICI (UK)

Rhône Poulenc (UK)

Solvay (B, D, F)

SINCG (G)

ANNEX IV

AlliedSignal Fluorochemicals Europe BV
Kempengeweg 90
NL-6000 AG Weert

Ausimont SpA
Via S. Pietro 50/a
I-20021 Bollate — MI

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
NL-3300 AC Dordrecht

Elf Atochem SA
Cours Michelet — La Défense 10,
F-92091 Paris La Défense

ICI Klea
PO Box 13, The Heath
Runcorn Cheshire
UK-WA7 4QF

Rhône Poulenc Chemicals Ltd
PO Box 46 — St Andrews Road
Avonmouth
UK-Bristol BS11 9YF

Solvay Fluor und Derivate GmbH
Hans-Böckler-Allee 20
D-30173 Hannover

Chemical Industries of Northern Greece
SA
Thessaloniki Plant
PO Box 10 183
GR-54110 Thessaloniki

Albermarle SA
Av. Louise 523 (Boîte 19)
B-1050 Bruxelles

Alfa Agricultural Supplies SA
13, Tim, Filimonos str.
GR-11521 Athens

Biochem Ibérica
Rua da Escola
Apartado 250
P-2870 Montijo

Bromine and Chemicals Ltd
201 Haverstock Hill
Hampstead
UK-London NW3 4QG

Eurobrom BV
Postbus 158
NL-2280 AD Rijswijk

Great Lakes Chemical (Europe) Ltd
PO Box 44, Oil Sites Road
Ellesmere Port
UK-South Wirral L65 4GD

Harlow Chemical Company Ltd
Templefields
Harlow, Essex
UK-CM20 2BH

Interchim Austria GmbH
Brixentaler Straße 69
A-6300 Wörgl

Knoll Pharma Chemicals
Main Road
Beeston
UK-Nottingham NG9 1AD

Mebrom NV
Assenedestraat 4
Ertvelde
B-9940 Rieme

Metron Technology (Deutschland) GmbH
Saturnstraße 48
D-85609 Aschheim

Metron Technology (France) Eurl
ZI de la Marinière
rue Bernard Palissy 6, B.P. 1222
F-91912 Evry Cedex 9

Metron Technology (Italy) Srl
Via per Ornago
I-20040 Bellusco (MI)

Metron Technology (UK) Ltd
2 Gregory Road
Kirkton Campus; Livingstone
UK-West Lothian EH54 7DR

Neoquímica — Exportação E
Apartado 97
P-2580 Carregado

Olin-Hunt
p/a Adpo
Steenlandlaan Kaai 1111
B-9130 Beveren-Kallo

Saptec Agro SA
Apartado 11
P-2901 Setúbal Codex

COMMISSION DECISION

of 27 June 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards wood-based panels

(Text with EEA relevance)

(97/462/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the Commission is required to select, as between the two procedures in accordance with Article 13 (3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13 (4), the intervention of an approved certification body is required for that purpose;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonized standards.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

ANNEX I

Unfaced, overlaid and veneered or coated wood-based panels of Euroclass B ⁽¹⁾, C ⁽¹⁾, D, E or F for non-structural elements in internal or external applications.

ANNEX II

Unfaced, overlaid and veneered or coated wood-based panels for structural elements in internal or external applications.

Unfaced, overlaid and veneered or coated wood-based panels of Euroclass B ⁽²⁾ or C ⁽²⁾ for non-structural elements in internal or external applications.

⁽¹⁾ Materials for which the reaction to fire performance is not susceptible to change during the production process.

⁽²⁾ Materials for which the reaction to fire performance is susceptible to change during the production process through the addition of chemical substances.

ANNEX III

PRODUCT FAMILY

WOOD-BASED PANELS (1/2)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec (European Committee for Standardization/European Committee for Electrotechnical Standardization) are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) of reaction to fire	Attestation of conformity system(s)
Unfaced, overlaid and veneered or coated wood-based panels	For structural elements in internal or external applications	B-C ⁽¹⁾	1 ⁽¹⁾
		— B-C ⁽²⁾ , D, E, F	— 2+ ⁽⁴⁾

⁽¹⁾ Materials for which the reaction to fire performance is susceptible to change during the production process through the addition of chemical substances.

⁽²⁾ Materials for which the reaction to fire performance is not susceptible to change during the production process.

⁽³⁾ System 1: see Annex III, point 2 (i) to Directive 89/106/EEC, without audit-testing of samples.

⁽⁴⁾ System 2+: see Annex III, point 2 (ii), first possibility, of Directive 89/106/EEC including certification of the factory production control by an approved body on the basis of initial inspections of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristics, see Article 2 (1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents. In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

WOOD-BASED PANELS (2/2)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec (European Committee for Standardization/European Committee for Electrotechnical Standardization) are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) of reaction to fire	Attestation of conformity system(s)
Unfaced, overlaid and veneered or coated wood-based panels	For non structural elements in internal or external applications	B-C ⁽¹⁾	1 ⁽²⁾
		—	—
		B-C ⁽²⁾	3 ⁽⁴⁾
		—	—
		D-E-F	4 ⁽⁵⁾

⁽¹⁾ Materials for which the reaction to fire performance is susceptible to change during the production process through the addition of chemical substances.

⁽²⁾ Materials for which the reaction to fire performance is not susceptible to change during the production process through the addition of chemical substances.

⁽³⁾ System 1: See Annex III, point 2 (i) to Directive 89/106/EEC, without audit-testing of samples.

⁽⁴⁾ System 3: See Annex III, point 2 (ii) to Directive 89/106/EEC, second possibility.

⁽⁵⁾ System 4: See Annex III, point 2 (ii) to Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic, see Article 2 (1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents. In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 27 June 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards plastic anchors for use in concrete and masonry

(Text with EEA relevance)

(97/463/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the Commission is required to select, as between the two procedures under Article 13 (3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13 (4), the intervention of an approved certification body is required for that purpose;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex

III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in mandates for guidelines for European technical approvals.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1997.

For the Commission

Martin BANGEMANN

Member of the Commission⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

 ANNEX I

Plastic anchors for use in concrete and masonry: for use in systems, such as façade systems, for fixing or supporting elements which contribute to the stability of the systems.

 ANNEX II

PRODUCT FAMILY

Plastic anchors for use in concrete and masonry (1/1)
Systems of attestation of conformity

For the product(s) and intended use(s) listed below, European Organization for Technical Approval (EOTA) is requested to specify the following system(s) of attestation of conformity in the relevant Guideline for European Technical Approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Plastic anchors for use in concrete and masonry	for use in systems, such as façade systems, for fixing or supporting elements which contribute to the stability of the systems		2 + (!)

(!) System 2 +: See Annex III, 2 (ii) to Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 27 June 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards waste water engineering products

(Text with EEA relevance)

(97/464/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the Commission is required to select, as between the two procedures in accordance with Article 13 (3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13 (4), the intervention of an approved certification body is required for that purpose;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex

III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in mandates for harmonized standards.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

*ANNEX I***Waste water engineering products inside buildings**

Back-flow devices: air admittance valve ventilating pipework.

Kits for waste water pumping station and effluent lifting plants.

Waste water engineering products outside buildings

Kits and elements for waste water treatment plants and on-site treatment equipment.

Septic tanks.

Prefabricated drainage channel.

Manholes and inspection chambers.

Covers, step irons, ladders and handrail for manholes and inspection chambers, gully tops.

Separators.

ANNEX II

PRODUCT FAMILY

WASTE WATER ENGINEERING PRODUCTS INSIDE BUILDINGS (1/2)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product	Intended use	Level or class	Attestation of conformity system
Back-flow devices: air admittance valve ventilating pipework	For use inside buildings		4 (1)

(1) System 4: See Annex III point 2 (ii) to Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

WASTE WATER ENGINEERING PRODUCTS INSIDE BUILDINGS (2/2)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Kits for waste water pumping station and effluent lifting plants	For use inside building		3 (!)

(!) System 3: See Annex III point 2 (ii) to Directive 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

WASTE WATER ENGINEERING PRODUCTS OUTSIDE BUILDINGS (1/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Kits and elements for waste water treatment plants and on-site treatment equipment — Septic tanks	To be used outside buildings, for rain water, faecal and organic effluents		3 (!)

(!) System 3: See Annex III point 2 (ii) to Directive 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

WASTE WATER ENGINEERING PRODUCTS OUTSIDE BUILDINGS (2/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Prefabricated drainage channel	To be used outside buildings, for waste water from buildings and civil engineering works including roads		3 (1)

(1) System 3: See Annex III point 2 (ii) of Directive 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

WASTE WATER ENGINEERING PRODUCTS OUTSIDE BUILDINGS (3/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Manholes and inspection chambers Covers, step irons, ladders and handrail for manholes and inspection chambers, gully tops	To be used on carriageways, parking areas, hard shoulders and outside buildings		4 (1)
Separators	For waste water/sewage from buildings and civil engineering works including roads		4 (1)

(1) System 4: See Annex III point 2 (ii) to Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.